

**UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
February 19, 2008

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

Pledge of Allegiance to the Flag.

**Approve Agenda**

Fenske moved, seconded by Nelson to approve the agenda with the following additions:

- Add Approve State Auditor Letter under Resolutions and Contracts and authorize Board Chair, Administrator, and Auditor/Treasurer to sign.
- Move Consent Agenda Item number 5 under Benson's time.

All voted in favor.

The following per diems and expenses were presented:

	Per Diem	Expense
Fenske	\$ 50.00	
Nelson	\$ 50.00	\$39.40
Stensrud	\$ 50.00	\$53.00

**Consent Agenda**

1. Approve Minutes from February 5, 2008.
2. Approve Commissioner Warrants 111014 to 111143 in the amount of \$394,227.02 dated 2/20/08.
3. Approve Auditor Warrants 110975 to 111013 in the amount of \$282,440.42 dated 2/7/08 and 110014 to 110050 in the amount of \$397,221.57 dated 2/14/08.
4. Approve Per Diems and Expenses
5. 2008 Equipment Replacement – Motor Grader State Bid
6. Consider Final Payment SP 42-605-26
7. Proposed Changes to Recycling Program

Stensrud moved, seconded by Ritter to approve the consent agenda. All voted in favor.

**Resolutions and Contracts**

**Large Wind Energy Conversion System Resolution**

Fenske – In Planning and Zoning were there any requirements for decommission? Benson – I think the only thing that is required is to have a decommission plan. Fenske moved, seconded by Ritter to approve and authorize Chair to sign a resolution assuming permitting authority for Large Wind Energy Conversion Systems (Less than 25 MW) per statute of state (Resolution 03-08 on file at the County Administrator's Office). All voted in favor.

**State Auditor Letter**

Stomberg – The letter outlines the audit that will be conducted for 2007 and outlines the responsibilities. Ritter moved, seconded by Stensrud to approve and authorize the Chair, County Administrator and Auditor/Treasurer to sign the State Auditor Letter. All voted in favor.

**Local Option Abatement**

Champine – I have an abatement for \$554 for Raymond Buysse. Fenske – Is this usually on a fire that you abate these? Champine – Yes we have done a couple this year. They have changed the law so it won't drag out as long. Nelson moved, seconded by Ritter to approve the abatement for Raymond Buysse for \$554. All voted in favor.

**East River Electric Power Cooperative Lynd/Grandview Townships**

Biren – Ronald Goldman is here he is a representative from East River Electric. There had been a question regarding the decommission of wind towers they do not require money being set aside but they do have a plan. Goldman – Two routes we are looking at right now will bring additional electricity to the south and west of Marshall. It will pick up loads from Lynd and provide back up to Lynd. It is located right in the middle of Lyon Lincoln service area. We are going to approach landowners and try to get hangover rights. If we can not we will go to putting lines on one side. Goodenow – Does the anchor point towards the highway? Goldman – No. It is a 69,000 volt above ground line. Benson – What type of height will you be above the road? Goldman – According to the National Electric Code it has to be at least 19 feet 3 inches. Our engineer tries

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to do 20 to 25. We will come in with a hot stick and let them through there are not too many times where we have to cut lines. We could go to a laminated square pole it all depends on where the anchors will be. Nelson – When you are criss crossing there will be a lot of anchors? Goldman – Yes. The substation is a typical design. It has a 7 foot fence and 1 ½ angled barb wire on top. Fenske – You have acquired land? Goldman – We are closing in March. Discussion. Ritter – How far back will it be? Biren – 25 feet and the substation needs to meet the same. Goldman – We are leaving room for another transformer. Discussion. Biren – I want to point out number 7 on runoff. I also want to bring up MNDOT and Highway 14 is listed as a corridor. MNDOT is unsure of the setback. They named another route but Xcel has an easement on that. Discussion. Biren – As with essential services there are a lot of permits that need to be received. My time limit is 60 days. To date I can't tell you what side of the road these poles will be on and that might pose problems for another permitting agency. The record will reflect that if it is not located within a right of way they would need a variance and it would require another process. Goodenow – We are approving this plan within in the right of way. Discussion. Biren – My time limit to act is March 24 and I don't have an exact placement on the poles. Fenske – Was there any comments at Planning and Zoning? Biren – No. Ritter moved, seconded by Fenske to grant a Conditional Use Permit – Major Essential Service to East River Electric Power Cooperative for a substation to be located in the NW1/4 of Section 27, Lynd Township and to install a 69kV transmission line running from approximately one-half mile north of Lynd (Sections 27/28 of Lynd Township) along CSAH 5 to approximately one mile south of Ghent (Sections 21/22 of Grandview Township). The area affected is zoned agricultural. The following sections of land may be affected:

Lynd Township: NE1/4 of Section 28; NW1/4 of Section 27; E1/2 of Section 21; W1/2 of Section 22; E1/2 of Section 16; W1/2 of Section 15; E1/2 of Section 9; W1/2 of Section 10; E1/2 of Section 4; and W1/2 of Section 3;  
Grandview Township: E1/2 of Section 33; W1/2 of Section 34; E1/2 of Section 28; W1/2 of Section 27; and SE1/4 of Section 21; and SW1/4 of Section 22

As per recommendation of the Lyon County Planning Commission and Lynd Township Board. Grandview Township Board did not comment on this matter. With the following stipulations:

1. Site to be inspected as needed.
2. Must submit a map indicating location, alignment of substation and transmission lines prior to installation.
3. Contingency plan if appropriate shall be submitted to the Zoning Administrator prior to start of the project.
4. Transmission line to be installed in the right-of-way or 90 feet from the center of the road.
5. Shall co-locate existing Lyon-Lincoln Electrical Cooperative lines onto East River Electric Power Cooperative pole or have the option to bury the low voltage line.
6. Must apply for and obtain permits from state and other appropriate agencies.
7. Must apply for and sign driveway access to substation with an E-911 address.
8. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction. Drainage altered within the footprints of the substation may be allowed as long as upstream and downstream impacts are mitigated.
9. 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.
10. 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.
11. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
12. Major essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
13. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with route of the project. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

All voted in favor.

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**East River Electric Power Cooperative Custer/Sodus Townships**

Stensrud moved, seconded by Nelson to grant a Conditional Use Permit – Major Essential Service to East River Electric Power Cooperative to install a substation in the Northwest Quarter (NW1/4) of Section 22, Custer Township and to install a 69kV transmission line running from Section 21/22 of Custer Township to Sections 28/29 of Sodus Township. (Township Road 260<sup>th</sup> Avenue to State Highway 14 to County Road 67.) The area affected is zoned agricultural. The following sections of land may be affected:

Custer Township: W1/2 of Section 22; N1/2 and E1/2 of Section 21;  
SW1/4 of Section 15; S1/2 and W1/2 of Section 16;  
NE1/4 of Section 20; E1/2 of Section 17; E1/2 of Section 8;  
W1/2 of Section 9; E1/2 of Section 5; and W1/2 of Section 4  
Sodus Township: E1/2 of Section 32; W1/2 of Section 33; E1/2 of Section 29;  
and W1/2 of Section 28

As per recommendation of the Lyon County Planning Commission, Custer Township Board and Sodus Township Board. With the following stipulations:

1. Site to be inspected as needed.
2. Must submit a map indicating location, alignment of substation and transmission lines prior to installation.
3. Contingency plan if appropriate shall be submitted to the Zoning Administrator prior to start of the project.
4. Transmission line to be installed in the right-of-way or 90 feet from the center of the road.
5. Shall co-locate existing Lyon-Lincoln Electrical Cooperative lines onto East River Electric Power Cooperative pole or have the option to bury the low voltage line.
6. Must apply for and obtain permits from state and other appropriate agencies.
7. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction. Drainage altered within the footprints of the substation may be allowed as long as upstream and downstream impacts are mitigated.
8. 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.
9. 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.
10. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
11. Major essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
12. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the route of the project. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

All voted in favor.

**Wet Land Credit Policy**

Biren – I would like to start by saying I think this is great what the County Board has allowed the staff to work on. I think using these dollars for future environmental items is great. We met as a staff and we see it as two policies. The Board of Water and Soil Resources holds the credits. Discussion. Biren – Sales tax is 6.5% and it has to be paid. Fenske – On fees is the 6.5% when you sell and also? Biren – There is a 1% annual maintenance fee and it is capped at \$500 and paid to Bowser. Discussion. Biren – There are criteria, if it is not you are required to replace at a higher rate. Stomberg – Exceptions to the policy would be brought back. Goodenow – When we looked at percentage we assumed it would be going in small amounts locally. Nelson – Area 2 needs some now. Stomberg – What would the Board like to do with the credits? Fenske – You said Area 2 is looking? Kerry Netzke – Yes we need a little under an acre. Biren – We have received several calls and they were all for 1 acre or less. Fenske – If we adopt a policy do we need to authorize sale? Discussion. Benson – One policy is how you are going to sell credits the

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other is how you are going to set up the fund. A policy could be set up that is less than 4 acres administration handles and any more and they go to the Board. Goodenow – Maybe it could be the seller's responsibility it to have them come through here and that is the last step. Fenske moved, seconded by Ritter to approve the Wetland Credit Policy with the addition that each purchase agreement is brought to the County Board. All voted in favor.

Goodenow – Next is the Environmental Recreation Fund. The idea is borrowing money not using landfill money to build parks. Fenske – We are borrowing it. Stensrud moved, seconded by Fenske to borrow \$365,000 from the landfill to fund as a loan. Benson – You may want to include a fund. Discussion. Fenske – Maybe we need to define our goals a little more. There may be a lot of requests and it may be up to the Board. Goodenow – The other issue is whether you want to earn interest. Nelson – You could have the interest earned go to them. Ritter – Or you could split it. Nelson – I'm not happy keeping it dedicated to these things. It could go in the general fund. Discussion. VanOverbeke – Getting back to the interest. If we loan anything any money we have to go by judgment. Discussion.

Voting for: None

Voting Against: Fenske, Stensrud, Goodenow, Nelson, Ritter  
Motion failed.

10:15 am Recessed

10:27 am Meeting Called back to Order

**Water Plan Extension Resolution**

Benson – The Water Plan Extension Resolution currently expires April 18. I am requesting an eight month extension. Nelson moved, seconded by Ritter approve and authorize the Chair to sign a resolution to extend the date of the Lyon County Comprehensive Local Water Plan to the end of the year (Resolution 04-08 on file at the County Administrator's office). All voted in favor.

**2008 Equipment Replacement – Motor Grader State Bid**

Benson – The next item I have that was on the consent agenda is a motor grader and state bid. Both RDO Equipment and Ziegler, Inc. are here today. The second one is a rental return. We do a guaranteed trade or buy back pricing. Both vendors are here today. It is a state bid and it is not necessarily the low bid. Ritter – What year is the third one? I am assuming it is an 07? Benson – I am not sure it was not noted. Dave Larsen (Ziegler, Inc.) – We are roughly \$4,400 higher. In the handout I gave you will see the next two pages are auction numbers and fuel consumption. It will be off rent April 15. Discussion. Ritter – If you rent it out and it has 500 hours and comes back does it come off of the warranty? I have a question for John Bot I am curious why doesn't RDO do a buy back? Fenske – We would be purchasing a used machine. Your cost is higher than a new one from John Deere. Larsen – If you look at the auction value there. Ritter – There is more cost up front but the ending is better. John Bot (RDO Equipment) – We are offering a 2008 new John Deere. The county currently owns two. There is an initial savings of \$4400. There is a \$50,000 difference between a John Deere and Caterpillar new in 2008. We do not know what the sale price will be in 5 years. As far as buy backs with RDO we have 3 entities. The state of Minnesota made the decision it is a contingent liability on the books. As far as auctions I don't think it is fair to look at 10 to 15 year old numbers. Nelson – So you don't do a buy back? Bot – We don't have it on contract. Benson – The trade in allowance was higher. Discussion. Thomason – We put on about 4000 hours every 5 years. Nelson – Do you buy snow equipment? Bot – Everything would be brand new. Nelson – What is your buyback? Larsen – The buy back is a 5 year 5000 hour. Discussion. Ritter – A question for Thomason what about the fuel? Thomason – In the brochure it says it uses a little more. Fenske – You didn't feel it was significant? Benson – With the use at that time no. Goodenow – Any more questions? Benson – They are both very good machines. Nelson moved, seconded by Fenske to approve the purchase of a John Deere six wheel drive motor grader off the State Bid Contract from RDO Equipment for \$108,490.39.

Voting in favor : Nelson, Fenske, Goodenow, Stensrud

Opposed: Ritter

Motion carried 4 to 1.

**County Wide Housing Study**

Johnson – Several cities are in need of conducting a housing study for their communities. These cities have approached Lyon County to consider sharing costs in exchange for conducting the study that would encompass the entire county rather than selected communities. The information that would come from the study would be used for a grant or loan application. At a meeting for the Chamber in the cities they pointed out that there is a shortage of housing in this area. Mark Hanson from the Marshall EDA and Dan Canton from the Minnesota EDA are both here today. Canton – After talking to Mark and Nort we decided to do a collaborative thing. Johnson – This group Maxfield conducted a housing study for Balaton. Nelson – Is Balaton contributing right now? Johnson – If we go over the cost summary it would cost between \$35,000 and \$38,000 to do it by themselves. The proposed breakdown would be based on \$23,000 to \$25,000. We are

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looking for a \$5,000 contribution from the county. The Marshall EDA contributed \$4,000 and Tracy and Minnesota both \$2,000. Nelson – What about Cottonwood? Johnson – They are on the fence right now. Goodenow – We would get reports for towns like Garvin and Taunton. Johnson – Yes and townships. Stomberg – The funding could come out of the contingency for strategic planning. I would recommend putting in a not to exceed \$5,000. Fenske – I agree, I like not to exceed \$5,000. Fenske moved, seconded by Stensrud to partner with cities in Lyon County and authorize spending up to \$5,000 for a county wide housing study using contingency funding. Nelson – According to my figures you are short. Johnson – About \$500. Nelson – Does Balaton have it? Johnson – They had it conducted in 98. Ritter I am agreeable to your goal but if it was talked about earlier we could have budgeted for it. All voted in favor.

**Jail Funding**

Terri Heaton from Springsted gave a proposed jail bonding presentation. Heaton – The timing is working in your favor. You are looking at something in the low 4's. Overall the bonding market is very good. Last fall we determined there would be \$1.2 million available. We would like to get the Law Enforcement Center Levy paid off and Public Works is callable anytime after February 1, 2008. Heaton went over 10, 15 and 20 year bonds. Nelson – How about a 12 and 17? I would like to see the full spectrum. Heaton – I can get those. Nelson – You could split up your bonding? Heaton – The max per year is \$5 million you could split into 2 years and the other exemption is spending it within a 24 month period. The last item is two ditch drainage refunding bonds. Nelson – Does the savings go to the ditch owners? Stomberg – Yes it is a separate thing but we can do it since we are going to the market. Discussion. Heaton – The last slide is a time line. Discussion. Ritter – It would be interesting to see a 12 and 17. Nelson – The concepts you put forward look pretty solid. Board thanked Heaton for the presentation.

**MNDOT District 8 Transportation Investment Request Letter**

Benson – At the last Board meeting staff was directed to prepare a letter to the MNDOT District 8 engineer expressing the County Board's desire to see safety improvements at the intersections of TH 59 and CSAH 6 and TH 59 and CSAH 33. Fenske moved, seconded by Ritter to approve and authorize the Chair to sign the MNDOT District 8 Transportation Investment Request Letter. All voted in favor.

**Marshall Area Chamber Transportation Resolution**

Benson – The next item I have is for the Board to consider a resolution for the Marshall area transportation federal funding priorities. This is not the final information packet. The realignment of Country Club Drive is at the MNDOT office. Ritter moved, seconded by Fenske to approve and authorize the Chair to sign the Marshall Area Federal Transportation Funding Priorities Resolution (Resolution 06-08 on file at the County Administrator's office). All voted in favor.

**Comprehensive Transportation Funding Resolution and Letter to Editor**

Ritter moved, seconded by Nelson to approve and authorize the Chairman to sign the Comprehensive Transportation Funding Resolution (Resolution 05-08 on file at the County Administrator's office). All voted in favor.

Benson – Also related to AMC they are encouraging letters to the editor. Fenske – We are talking about needing more money for safe roads. Ritter – I would put my name on this. Fenske – I would also. Stensrud – Me too. Goodenow – Our legislator said a gas tax does not benefit rural Minnesota. Benson – 62% goes to MNDOT, 9% to cities over 5,000 and 29% to counties. It is the only way that townships receive funding. If it was adjusted for inflation it would be 35 cents today. Stensrud moved, seconded by Ritter to approve the letter to the editor. All voted in favor. Goodenow – Where are we sending it? Ritter – The newspapers in the county. Fenske – Congressmen and legislatures to. Ritter – It wouldn't hurt to send it to Collin Peterson too.

Benson – We are looking at picking a date for the Annual Township Meeting and considering March 26 at 7:00 pm. Nelson – March 5 is the Transportation Alliance at the Legislature. I think AMC legislative is April 9<sup>th</sup> and 10<sup>th</sup>. If there are Commissioners interested in going.

Stomberg – I have two items. The legislative conference is April 9<sup>th</sup> and 10<sup>th</sup>. One other thing is in strategic planning we talked about a Lyon County Day at the Capitol. I don't know if you want to appoint a task force for that to work on a platform?

**Commissioners' Business**

Stensrud – I have a meeting coming up tonight with Northern Con Agra.

Nelson reported on Area 2, Minnesota River Board and MAUD.

Fenske reported on the Transit Advisory Committee.

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Goodenow – The construction numbers for the library came in higher than expected. Also reported on Economic Development and its annual meeting.

Fenske – One other thing the sheet that was in our packet from Lori on after school enrollments that is good.

Ritter moved, seconded by Stensrud to adjourn until March 4 at 9:00 a.m.  
All voted in favor.

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Mark S. Goodenow, Chairman

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Attest: Loren Stomberg  
Lyon County Administrator