

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
September 20, 2011

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

**Pledge of Allegiance to the Flag**

**Approve Agenda**

Stomberg – Under Suhail if we could make the bike trail the last item and set the public hearing date just prior to that. One addition it would be a memorandum of understanding and we will put that under resolutions. Stensrud moved, seconded by Anderson to approve the agenda. All voted in favor.

**Identify any Conflict of Interest**

None identified.

	<b>Per Diems</b>	<b>Expenses</b>
Anderson	\$100.00	\$28.86
Stensrud	-----	\$34.41
Ritter	\$150.00	-----
Fenske	\$190.00	-----

**Consent Agenda:**

1. Approve Minutes from September 6, 2011
2. Approve Commissioner Warrants 126258-126375 in the amount of \$268,016.99 dated 9-21-11.
3. Approve Auditor Warrants 126193-126217 in the amount of \$623,636.72 dated 9-8-11 and 126231-126256 in the amount of \$591,787.21 dated 9-15-11.
4. Approve Per Diems and Expenses
5. Purchase two copy machines
6. 4<sup>th</sup> quarter appropriations

Anderson – I had a question on a bill for \$2904 for service out at the fairgrounds. Part of that should go to the fairgrounds, it was made out to MMU. I would like to hold that one. Ritter moved, seconded by Anderson to approve consent agenda item 1, and 3-6. All voted in favor.

Anderson moved, seconded by to approve all the commissioner warrants. VanOverbeke – That bill in an auditor warrant, that bill has been paid already. They can reimburse. All voted in favor.

**Building rental at fairgrounds**

Goodenow moved, seconded by Ritter to approve the building rental at fairgrounds with Lois Novosad. All voted in favor.

**Sustainable Communities Memorandum**

Goodenow moved, seconded by Stensrud to accept and authorize the Chair to sign a memorandum of understanding for sustainable communities. All voted in favor.

**CD 70 Benefits**

Discussion on county ditch 70. Ritter – I would like to see the Board give the direction to move forward. Stensrud - I agree. Fenske – I don't think there is any question that we want this re-determined. Six should be done and follow up with 70. Ritter – Ditch 70 would clear up some issues on Lake Marshall. Fenske set an informational meeting for county ditch 6 on October 4, 2011 at 9:30 and for county ditch 70 at 9:30 on October 18, 2011 in CR 1 & 2 at the Lyon County Government Center.

**Rogge Excavating CUP**

Biren – The landowners are satisfied. Biren read the following letter from Kevin Stroup of STONEBERG, GILES & STROUP, P.A, *This confirms that once the crops are removed, that everyone will meet at the site and have the Zoning Office GPS an agreed upon location of the easement road. As discussed, the idea is to use as much of the current road as possible, but realign such so it is more correctly located and straight (on an east to west line). Once that occurs, please provide me with the information from the GPS measurements and then I can draft an Amended Easement and circulate for everyone's review. The idea being once we have issues*

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
September 20, 2011

*sorted out that an Amended Easement would be executed and recorded in the real estate records to correct the current confused (inaccurate) easements as recorded at the Courthouse.*

Biren - We will get the easement established with gps measurements. Goodenow moved, seconded by Ritter to grant a Conditional Use Permit to Rogge Excavating to establish a gravel/sand processing and washing operation. The property is zoned agricultural and is in the floodplain. Owner of the tract of land is Lawrence Rogge. The property is described as the North Half of the Southwest Quarter (N1/2 SW1/4) and the Northwest Quarter (NW1/4) of Section Twenty (20), Grandview Township. As per recommendation of the Lyon County Planning Commission and the Grandview Township Board. With the following stipulations:

1. Conditional Use Permit will be reviewed at least annually or at such time the Zoning Administrator deems appropriate.
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. Permit holder is required to work with road authorities to address damage resulting from hauling if any. The road authority may notify the planning and zoning administrator if road damage is not addressed timely and adequately.
8. Location of recorded easements used for access must be verified by a Global Positioning System (GPS) and marked adequately. Marked adequately means placing a visible object such as a post or stake on the property lines and in areas where the line of sight is interrupted by an obstruction such as a hill.
9. Permit holder shall gravel and maintain to the satisfaction of the Zoning Administrator all easement roads used as ingress and egress for the property covered by this Conditional Use Permit.
10. Responsible for dust control on haul roads.
11. Haul roads designated as: 300<sup>th</sup> Street to County Road 5 or County Road 15. Responsible for maintenance on roads trucks will be hauling on.
12. Owner must notify the Lyon County Zoning Office when work is complete.
13. Must obtain permits from appropriate agencies. Permits may include but are not limited to water appropriation permits, public waters permits, and storm water permits.
14. Must comply with the Soil and Water Conservation District and DNR regulations.
15. A violation of any condition set forth in this conditional use permit may terminate the permit. If terminated the permit holder must reapply for a new conditional use permit before work in the gravel pit is to resume.
16. 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.

**Resolution - Transfer of excess municipal construction funds to regular construction funds**

Goodenow moved, seconded by Ritter to approve a resolution to transfer the excess municipal construction funds to the regular funds. Stensrud – Can that be used on Skunk Hollow? Kanwar – It is slotted for Tracy. Ritter – What project are you talking about in Tracy? Kanwar – When county road 11 enters and crosses 14. They have plans to upgrade their water main and MPCA has asked them to upgrade their sewer system. All voted in favor. (Resolution 34-11 on file in the County Administrator's Office).

**Support of safety improvement and economic recovery projects**

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign a letter of support of safety improvement and economic recovery projects. All voted in favor.

**Consider out of state travel request**

Goodenow moved, seconded by Anderson to approve out of state travel for Aaron VanMoer to Madison, Wisconsin from October 31, 2011 – November 2, 2011. All voted in favor.

**Accept low bid for truck for highway department**

Kanwar – In terms of our specs they both met it. They have two different technologies to give us better emissions. Ritter – You have to look at the cost. I didn't realize there was an issue with the Urea. Discussion on Urea. Stensrud moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution to accept a low bid by Westman Freightliner in the amount of \$159,086.51 for a tandem diesel truck. Ritter – That is a Detroit motor versus a Mercedes?

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
September 20, 2011

Kanwar – Correct. Ritter – It would be interesting to see the mileage they are getting. Kanwar- Warranties were not part of the bid. Ritter – You have to take into consideration the back and forth.

Voting in Favor:  
Fenske  
Stensrud  
Goodenow  
Anderson

Opposed:  
Ritter

Motion carried 4 to 1.

**Camden to Marshall bike trail**

Kanwar – The request is to pursue a legacy grant. Ritter – If we put money in it as a county what about Tracy, Cottonwood, Minneota. We need to be ready to help out the other communities. Kanwar – We have to give consideration to other cities if they come. Goodenow – We do have the overall map. This is sort of the first shot. We do not have a county wide regional trail. Discussion on maintenance. Fenske – You mentioned Legacy Grant, do you have an estimate on how much the trail will cost? Kanwar – The total cost is \$1.5 million. That includes the existing bike lane, if you remove that it is close to \$1 million. Fenske – Can you apply for future legacy grants? Kanwar – Yes. Within city of Lynd we can use safe routes to school. We could also use transportation expansion. Stensrud – I'm not against trails but we have county road 10, skunk hollow road, Twin Lakes Park. Fenske – What is the timing on this? Kanwar – Most likely we will know something by January or February. Rodney, you are right our roads take preference. It will not overburden to the point where things are not done. I know my priorities. Goodenow moved, seconded by Ritter to pursue grants (Legacy and others) and identify other funding sources to build a dedicated Bike Trail from Marshall to Camden. Ritter – It is a 1.5 million dollar project. And this is in phases? Kanwar – Yes. Fenske – It is tied to economic development. All voted in favor.

**Design Route, Bike Trail Concept and Estimate Costs**

Fenske – Consensus to proceed but the roads have to be the priority.

**Set public hearing date for discussion on the legacy application projects**

Fenske set the following public hearings for October 4, 2011: Twin Lakes Park at 10:30 a.m., Garvin Park at 10:50 a.m., and Marshall to Camden Bike Trail at 11:10 a.m.

**10:15 a.m. Meeting Recessed**  
**10:27 a.m. Meeting Called Back to Order**

**4-H Technical Clerk**

Stomberg- It supports 4-H and also the nutrition program and general extension. Discussion on hours worked per week. Discussion on interns. Discussion reporting structure. Stensrud moved, seconded by Anderson to approve and authorize to fill the 4-H Technical Clerk position. All voted in favor.

**LEC Water Heater**

Stensrud moved, seconded by Anderson to engage Bisbee Plumbing and heating to re-plumb the water heater serving the jail. Ritter – Time frame? Krause – I didn't ask him about that I assume it won't take too long. All voted in favor.

**Organizational Structure**

Stomberg – I would like to Board to have a discussion and decision on finance and land records. Discussion on finance and land records. With the finance department, I see the Board has three choices. One is to leave it the same, the other option would be to separate out the accounting function, or if the Board would desire to have a CPA on staff. All of those have a whole different set of circumstances as far as adjusting for a change. Discussion on job duties.

**Ray Freeman ARMER Update**

Freeman gave an update on ARMER.

**Reviewed Meeting Schedule**

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
September 20, 2011

**Commissioners Report**

Anderson reported on Historical Society, Safety Committee Meeting, and Regional Landfill meeting.

Stensrud reported on JD 10 meeting.

Fenske reported on JD 10 meeting.

Goodenow reported on Advance, Library Board, and Park Board.

Ritter – When does the county close on the land in Cottonwood? Stomberg – We are probably going to need to do some quiet title action on it. The closing was supposed to be on the 15<sup>th</sup>.

Ritter reported on Landfill meeting. Ritter moved, seconded by Anderson to send Laurie Palmer a thank you letter for being an excellent 4-H Leader. All voted in favor.

Fenske reported on Transit Advisory meeting and LELS Mediation.

**Closed session, LELS Negotiations**

11:54 a.m. Goodenow moved, seconded by Ritter to go into closed session. All voted in favor.

12:34 p.m. Ritter moved, seconded by Stensrud to come out of closed session.

12:34 p.m. Fenske adjourned meeting.

---

Robert Fenske, Chairman

---

Attest: Loren Stomberg  
Lyon County Administrator