UNOFFICIAL MINUTES-SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER,
MARSHALL, MN
May 1, 2012

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

	Per Diems	Expenses
Fenske	$ 240.00	$ 175.38
Goodenow	$ 150.00	$
Anderson	$ 190.00	$ 49.95
Ritter	$ 50.00	$ 33.30
Stensrud	$ 190.00	$ 98.79

Consent Agenda:
Approve Minutes from April 17, 2012
Approve Commissioner Warrants 129045-129153 in the amount of $160,021.97 dated 5-2-12
Approve Auditor Warrants 128955-128997 in the amount of $348,941.19 dated 4-19-12 and 129010-129022 in the amount of $9,719.53 dated 4-26-12
Approve Per Diems & Expenses
Sale of 0.1 Acres of Wetland Credits to Arden Berg
Quotes for Leachate Recirculation. Approve quote from Ferguson in the amount of $30,982.68 for piping and the quote from First State of $8,700 for shredded tires
MACC Temp. Liquor License
Stensrud moved, seconded by Goodenow to approve the consent agenda. All voted in favor.
Anderson moved, seconded by Ritter to approve the Chair to sign the Application for Withdrawal of Wetland Credits from Tom Oftedahl. All voted in favor.
Stensrud moved, seconded by Ritter to contribute up to $15,000.00 to the Limestone 1 Road Retention project. All voted in favor.
Goodenow moved, seconded by Ritter to authorize hiring Dave Zick as a permanent part time Van Driver with a start date of 5/2/2012 and a starting hourly wage of $13.25. All voted in favor.
Stensrud moved, seconded by Anderson to abate the tax penalties and interest for the Tracy School District. All voted in favor.
Stensrud moved, seconded by Goodenow to authorize hiring Carolyn McDonald for the HR Position with a start date of 5/24/2012 and the starting salary of $46,709.

Voting in Favor: Stensrud Ritter Fenske Goodenow
Opposed:Anderson

Ritter moved, seconded by Anderson to select Van Iwaarden to do the Actuarial Report. All voted in favor.
Anderson moved, seconded by Ritter to charge $30.00 for the day license under consent agenda. All voted in favor.
Ritter moved, seconded by Stensrud to accept the 2011 Highway Annual Report. All voted in favor.
Stensrud moved, seconded by Ritter to accept the low bid of 1,576,241.80 from R&G Construction Company for SAP 42-610-035. All voted in favor.
Stensrud moved, seconded by Ritter to accept lowest quote of $1.28 per lineal foot from Heggeseth Excavation LLC for cleaning CD 18. All voted in favor.
Goodenow moved, seconded by Anderson to authorize to take quotes for the Cleaning and Leveling of JD 15. All voted in favor.
11:20 a.m. Meeting Recessed
7:30 p.m. Fenske called the Meeting to Order with Cottonwood City Council
Discussed options with Cottonwood City Council for the replacement of the Cottonwood Shop.
8:10 p.m. Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

Vendor Name	**Amount**
CHIPPEWA COUNTY SHERIFF	18,223.87
HEALTH PARTNERS	4,123.22
LYON COUNTY	94,054.30
LYON COUNTY HISTORICAL SOCIETY	6,500.00
LYON SOIL & WATER CONSERVATION DISTRICT	21,875.00
MARSHALL LYON COUNTY LIBRARY	20,833.33
MEDICA	2,040.00
MII LIFE - VEBA	12,730.00
SHETEK CONSULTING SVCS LLC	4,772.60
SW WC SERVICE COOPERATIVES	101,747.00
SWHHS	55,000.00
Payments less than 2000 7,041.87	
Final Total:	348,941.19

Vendor Name	**Amount**
BLUE CROSS AND BLUE SHIELD OF MN	2,388.00
MEDICA	2,040.00
WEST PAYMENT CENTER	2,657.09
10 Payments less than 2000	2,634.44
Final Total:	9,719.53

Vendor Name	Amount
A'VIANDS, LLC	16,885.84
ALPHA WIRELESS INC	6,300.00
AMERICAN SOLUTIONS FOR BUSINESS	2,519.08
AUTOMATIC BUILDING CONTROLS	2,047.01
CARLSON/JOEL	2,500.00
CH2M HILL, INC.	4,000.00
COMMISSIONER OF TRANSPORTATION	4,750.00
ERICKSON ENGINEERING COMPANY INC	2,600.00
FABRICS PLUS	4,261.90
FARMERS COOPERATIVE ASSOCIATION	5,409.04
FLEET SERVICES DIVISION	5,489.39
JOHANSSON SALES & SERVICE	4,100.00
LAND RECYCLERS, INC	9,341.00
LYON COUNTY AUDITOR-TREASURER	7,126.07
PRAIRIE PRIDE	29,705.08
PRELLWITZ TILING & BACKHOE, INC.	2,379.98
PROACTION SAFETY & SALES	4,220.90
RATWIK, ROSZAK & MALONEY, P.A.	2,225.00
SAIC ENERGY, ENVIRONMENTAL & INFRASTRUCT	4,007.47
VINCO, INC.	12,564.52
89 Payments less than 2000 27,589.69	
Final Total:	160,021.97

Robert Fenske, Chairman
Attest: Loren Stomberg
Lyon County Administrator

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
May 15, 2012

Closed Attorney Client
Member Ritter introduced the following Resolution and moved its adoption:

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b) states that "meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege"; and
WHEREAS, the County Board seeks to meet with its attorney to obtain advice regarding a pending lawsuit, Jeanine Barker, et. al v. County of Lyon, et. al.; and
WHEREAS, it would be detrimental to the interests of the County for the County Board to hold a public discussion with its attorney regarding its legal position(s), strategy, etc., where an opposing party or opposing attorney could listen to or be made aware of the County's positions; and
WHEREAS, it is in the best interest of the County for the Board to obtain legal advice in a confidential setting to maintain the attorney-client privilege.
BE IT RESOLVED by the Lyon County Board of Commissioners as follows:
The Board hereby closes based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
The specific subjects to be discussed, pursuant to Minn. Stat. § 13.01, subd. 3, are the claims raised in the above-referenced lawsuit, and the defenses and legal positions to be taken by the County.
The motion for the adoption of the foregoing Resolution was duly seconded by Goodenow and upon a vote being taken thereon, the following voted in favor thereof:
Anderson, Stensrud, Fenske, Ritter, Goodenow
and the following voted against the same:
None
Whereupon said Resolution was declared duly passed and adopted.
9:30- Meeting was called to order by Chairman Fenske. Members present: Stensrud, Goodenow Fenske, Ritter, Anderson, County Administrator Stomberg, County Auditor/Treasurer Van Overbeke, and Attorney Maes
Ritter moved, seconded by Stensrud to approve the agenda. All voted in favor.

	Per Diems	Expenses
Fenske	$ 100.00	$
Goodenow	$	$
Anderson	$ 150.00	$ 129.87
Ritter	$ 100.00	$
Stensrud	$ 150.00	$ 46.62

Consent Agenda:
Approve Minutes from May 1, 2012
Approve Commissioner Warrants 129187-129286 in the amount of $ 99,513.94 dated 5-16-12
Approve Auditor Warrants 129023-129044 in the amount of $92,958.24 dated 5-3-12 and 129166-129186 in the amount of $123,960.28 dated 5-10-12
Approve Per Diems & Expenses
Accepted lowest bid for Patching Material and signed the contract for McLaughlin & Schulz, Inc., in the amount of 255,590.00
Accepted lowest bid for Gravel Crushing or Aggregate Processing and signed the contract for Hard Rock Screening, LLC of Little Falls, MN, in the amount of 87,637.50
Accepted lowest bid for Patching Material and signed the contract for Flint Hills Resources, LP, in the amount of 274,528.75

Anderson – I want to pull number 1 for discussion. Goodenow moved, seconded by Ritter to approve consent agenda items 2-7. All voted in favor.
Anderson moved, seconded by Ritter to add the contracted vacation time for Carolyn McDonald to the 5/1/2012 minutes. All voted in favor.
Anderson moved, seconded by Stensrud to approve and sign the contract for Law Enforcement between Lyon County and the City of Balaton. All voted in favor.
Anderson moved, seconded by Ritter to continue to move forward to complete the grant for the Hazard Mitigation. All voted in favor.
Stensrud moved, seconded by Goodenow to grant Robert Gee to replace a mobile home according to Article 15, Section 15.11, F.1(a) of the Lyon County Zoning Ordinance. The property is zoned agricultural and described as all that part of the West Half of the Southwest Quarter (W1/2 SW1/4), Section 12, Stanley Township. As per recommendation of the Lyon County Planning Commission and Stanley Township.
With the following stipulations:
1. Conditional Use Permit is granted in accordance with Article 15, Section 15.11, F.1(a) of the Lyon County Zoning Ordinance. Farm Employment must be the primary occupation of at least one adult occupant of the mobile home.
2. Site may be inspected to ensure compliance of all applicable regulations.
3. Land Use Permit for mobile home is for mobile home to be lived in an agricultural capacity. When this use changes, the mobile home must be moved or establish a change of use by applying for and receiving a new conditional use permit.
4. Must notify Planning and Zoning Office when use changes.
5. Mobile home cannot be rented out.
6. Must follow the Lyon County Zoning Ordinance.
7. Mobile home to be anchored and skirted.
8. 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.

VOTING FOR: Stensrud, Goodenow, Anderson, Ritter, Fenske
OPPOSED: None
ABSTAINED: None
ABSENT: None
DATED: May 15, 2012

Ritter moved, seconded by Stensrud to grant a Conditional Use Permit to Buysse Trucking & Gravel to operate a gravel pit. The property is zoned agricultural. The affected property is owned by John Wambeke and is located in the Southwest Quarter, Section 5 of Eidsvold Township. As per recommendation of the Lyon County Planning Commission and the Eidsvold 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 the 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 back slope of 4:1 or flatter.
7. Responsible for maintenance on the roads trucks will be hauling on.
8. Responsible for dust control on haul roads and service roads within the site.
9. Haul roads designated as: 190th Street to County Road 1.
10. Owner must notify the Lyon County Zoning Office when work is complete.
11. Must obtain permits from appropriate agencies.
12. Must comply with Soil and Water and DNR regulations.
13. Consult with township regarding driveway access requirements.

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.

VOTING FOR: Ritter, Stensrud, Anderson, Fenske, Goodenow
OPPOSED: None
ABSTAINED: None
ABSENT:None
DATED: May 15, 2012

Ritter moved, seconded by Goodenow to approve the SWCD Cooperative Agreement. Ritter withdrew the motion, seconded by Stensrud to bring the budget and the Cooperative Agreement to the June 5th meeting. All voted in favor.
Stensrud moved, seconded by Anderson to appoint Steve Johnson as a viewer on the JD 6 Redetermination project. All voted in favor.
Anderson moved, second by Ritter to ratify the employment offers for the following summer and on call help. All voted in favor.

Summer Help
Ashley Krogen $10.25 (Highway Maintenance) with a start date of May 14, 2012
Alyssa Bahn $9.00 (Garvin Park) with a start date of May 14, 2012
Luke Sanders $8.75 (Fairgrounds) with a start date of May 21, 2012
Cody Sleiter $8.75 (Highway Maintenance) with a start date of May 21, 2012

On Call
Scott Myhre $14.75 (Portable Stage Hauler with Flexible Schedule)
Marvin VanAcker $13.50 (Highway Maintenance) with a start day of May 21, 2012

Anderson moved, seconded by Ritter to accept the low bid for the purchase of the truck from Olson & Johnson for $226,548.93. All voted in favor.
Stensrud moved, seconded by Anderson to award Southwest Sanitation the Recycling Contract.

Voting in favor: Anderson Fenske Goodenow Stensrud
Abstained:Ritter

Goodenow moved, seconded by Stensrud to approve the Waste Transfer Building Evaluation Agreement. All voted in favor.
Anderson moved, seconded by Stensrud to accept the University of Minnesota Extension Agreement. All voted in favor.
12:30 p.m. Ritter moved, seconded by Goodenow to adjourn. All voted in favor.

Vendor Name	**Amount**
Payments less than 2000	11,835.00
DIEBOLD LAW FIRM	2,839.99
GREAT PLAINS NATURAL GAS CO	20,833.33
MARSHALL LYON COUNTY LIBRARY	32,625.65
MN DEPT OF CORRECTIONS STS	3,965.00
QUARNSTROM & DOERING P.A.	5,898.87
RUNCHEY, LOUWAGIE & WELLMAN	9,918.00
STONEBERG, GILES & STROUP P.A.	5,042.40
Final Total:	92,958.24

Vendor Name	**Amount**
LAC QUI PARLE COUNTY SHERIFF'S OFFICE	37,620.00
LYON-LINCOLN ELECTRIC COOP INC	4,206.98
MARSHALL MUNICIPAL UTILITIES	21,849.55
MN DEPT OF PUBLIC SAFETY	3,981.98
SECURE BENEFITS SYSTEMS	5,497.24
WELLS FARGO REAL ESTATE TAX SERVICE	5,291.00
YELLOW MEDICINE COUNTY SHERIFF	40,000.00
14 Payments less than $2000	5,513.53
Final Total:	123,960.28

Vendor Name	**Amount**
ADVANCE OPPORTUNITIES	2,270.53
COMPUTER MAN, INC/THE	3,331.24
FARMERS COOP ASSN	8,495.26
JOHNSON TRENCHING CO INC	5,570.00
KETTERLING SERVICES INC	4,100.00
KRAUSE/RONALD	2,130.65
MN ELEVATOR INC	3,174.00
POWERPLAN---RDO EQUIPMENT INC	2,075.20
REDWOOD COUNTY AUDITOR-TREASURER	3,997.36
RELIANCE TELEPHONE SYSTEMS INC	5,000.00
RUNNINGS SUPPLY INC	2,476.74
VATACOM	2,450.99
WASTE MANAGEMENT	23,544.50
WEST CENTRAL SANITATION INC	2,220.04
86 Payments less than 2000	28,677.43
Final Total:	99,513.94

Robert Fenske, Chairman
Attest: Loren Stomberg
Lyon County Administrator

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER,
MARSHALL, MN - MAY 24,2012

7:00p.m -.Meeting was called to order by Chairman Fenske with the pledge of allegiance to the flag. Members present: Stensrud, Fenske, Ritter, Anderson, County Administrator Stomberg, County Auditor/Treasurer Van Overbeke. Absent: Commissioner Goodenow
Ritter moved seconded by Stensrud to approve the low bid of McLaughlin & Schultz, Inc., for the mill and overlay of CSAH 31 through Russell. All voted in favor.
Anderson moved seconded by Stensrud to approve the Library purchase subject to Co. Attorney approval. All voted in favor.
Anderson moved seconded by Stensrud to accept the low bids from Thein Well Company of $8,765.00 for the well and $3,300.00 for the water lines. All voted in favor.
Goodenow moved, second by Ritter to adjourn the meeting at 9:05pm. All voted in favor.

Robert Fenske, Chairman
Attest: Loren Stomberg
Lyon County Administrator