

UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
December 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 – Right after resolutions and contracts if we could add the contract with the BCA, SWHHS, horse staging area, and after Todd Hammer add Brad Marks for hiring a correctional officer. Ritter – On the resolution for board meetings can we have some discussion on that. Ritter moved, seconded by Anderson to approve the agenda. All voted in favor.

Identify any Conflict of Interest

Anderson – I will abstain when we get to the CUP's for the feedlots.

	Per Diems	Expenses
Fenske	\$200.00	\$170.37
Stensrud	\$100.00	\$ 34.41
Anderson	\$180.00	\$163.17
Ritter	\$ 50.00	-----

Consent Agenda:

1. Approve Minutes from December 1, 2011
2. Approve Minutes from December 8, 2011
3. Approve Minutes from December 14, 2011
4. Approve Commissioner Warrants 127434-127550 in the amount of \$244,970.17 dated 12/21/11.
5. Approve Auditor Warrants 127393-127421 in the amount of \$555,475.65 dated 12/15/11 and 127250-127268 in the amount of \$70,400.03.
6. Approve Per Diems and Expenses
7. GASB 54 Policy
8. Closed designated building fund
9. Cancelled checks for SWHHS
10. Consider final payment for SAP 42-603-023

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

Resolutions / Contracts

Resolution setting 2012 Board meetings

Ritter – I don't have any problems with the dates, but we use to have one meeting a month in the evening and I wanted the board to have discussion on that. Goodenow – And to try and have the public hearings on the day the meetings are in the evening. Ritter – I have had some comments from the public that it would be nice. Fenske – I have no problem with evening meetings. Discussion on meeting dates and times. Anderson moved, seconded by Stensrud to approve resolution setting 2012 board meeting dates and a starting time of 9:00 a.m. All voted in favor. (Resolution 51-11 on file in the County Administrator's Office).

GASB 54 Resolution

Ritter moved, seconded by Goodenow to approve and authorize the Chair to sign the GASB 54 resolution. All voted in favor. (Resolution 52-11 on file in the County Administrator's Office).

Accounting and Procedures Manual

Ritter moved, seconded by Anderson to adopt the accounting and procedures manual. All voted in favor.

BWSR NRBG Agreement

Anderson moved, seconded by Stensrud to approve and authorize the Chair to sign the BWSR NRBG Agreement. All voted in favor.

BCA Contract

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign the BCA contract. All voted in favor. (Resolution 53-11 on file in the County Administrator's Office).

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SWHHS Fraud Contract

Discussion on fraud contract. Anderson moved, seconded by Ritter to approve the SWHHS fraud contract. Fenske – Consensus is we like the contract but watch the numbers. Mather –I will add any increases if there is any. All voted in favor.

Accept donation of \$5,000 from Minnesota Horse Council

Stensrud moved, seconded by Ritter to approve accepting a donation of \$5,000 from the Minnesota Horse Council for improvements to the horse staging area at Garvin Park and to send a thank you. All voted in favor.

Contract for beaver removal JD 10

Anderson moved, seconded by Ritter to approve and authorize the Chair to sign a contract with Dustin Kramer for beaver removal on JD 10 Y & L for \$45 a beaver. All voted in favor.

Contract for beaver removal JD 7

Stensrud moved, seconded by Ritter to approve and authorize the Chair to sign a contract with Ted and Henry Pesch for beaver removal on JD 7 for \$50 a beaver. Anderson – What do we do with the other ditches? Hammer- They contact me. Goodenow – Why is one \$45 and one \$50? Hammer- That was his offer. I am paying up to \$50 currently. Anderson – That is a fee we have established? Hammer- Anywhere from \$25 to \$50. There is also a bounty on them. All voted in favor.

Correctional Officer

Stensrud moved, seconded by Anderson to approve hiring Daniel Brockberg as a correctional officer at a starting hourly wage of \$14.16 with an effective date of January 2, 2012. All voted in favor.

9:30 a.m. Fenske called public hearing on 5-year capital improvement plan to order

Kanwar presented information on a 5-year capital improvement plan. Discussion on CSAH 7 and 67. Ritter – On 2014 CSAH 7 US highway 14 north? That is a safety issue. On county road 59 is that the one that goes to the Balaton road. Discussion on county roads. Discussion on county road 59. Fenske asked for public comments. Discussion on CSAH 26. Discussion on highway 23 into Cottonwood. Fenske asked for additional comments. There were no comments from the general public. 9:48 a.m. Fenske closed the public hearing. Stensrud moved, seconded by Anderson to approve the five year plan. All voted in favor.

Sign Ordinance

Kanwar – I would request to change the name to street name signs. Goodenow – Do we have a policy on other signs? Kanwar – It is the next item. Maes – I think the idea is good in order to better clarify it. When you call something a street and it is not defined. Streets are set out in the ordinance as running east and west and avenues run north and south. You have by definition road, maybe it is road sign, road designation side, or road E-911 signs and define that definition. Wendt – I agree with what you are saying, we could say road name sign. When you put the term E-911, there are two different things in this ordinance, the blue address sign and the road name sign. Consensus to bring it back to the next meeting with proposed changes.

Statewide steering committee for Safety Routes to school program

Discussion on time commitment. Goodenow – Aren't most of these grants inside city limits? Stensrud – I think most are. Fenske – Most of the projects are within city limits. Ritter – Can you use ITV? Goodenow – I like our county engineer being involved, it seems like something more a city should do. – I think the one that was applied for done by the city.

Retro reflectivity policy

Kanwar – This is passed down from the federal government. Stensrud – We really don't have a choice do we? Fenske – No. Did you have a template to work off of? Kanwar – Yes MNDOT had guidelines. Discussion on deadlines. Ritter moved, seconded by Stensrud to adopt the retro reflectivity policy. All voted in favor.

10:21 a.m. Meeting Recessed

10:32 a.m. Meeting called back to order

Adopt the 2012 Budget

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Stomberg – I implemented the changes that we talked about last Wednesday. I am showing \$97,000, I reduced some of the professional services. That gives the board quite a few options as far as what you would like to do. Stensrud – We need to look down the road next year. VanOverbeke – I understand that the board does want the finance position, but I still have three years left in my term. Is there something that myself or my office is not doing that you want to pull it out? Stensrud – I have never heard that. It is looking to the future. Discussion on finance. Goodenow- I think we can drop down to a zero percent. Ritter – If we could keep it at zero I think the public appreciates that. Discussion on economy. Anderson moved, seconded by Stensrud to approve a ½ percent increase.

Voting in favor:
 Anderson
 Stensrud

Opposed:
 Goodenow
 Ritter
 Fenske

Motion failed 3 to 2.

Goodenow moved, seconded by Anderson to set the 2012 levy at zero percent. All voted in favor.

Dept #	Department		2012 Budget	
2	Commissioners	Revenue	\$	-
		Expenditures	\$	190,775
		Total	\$	190,775
13	Court Administration	Revenue	\$	-
		Expenditures	\$	92,000
		Total	\$	92,000
31	Administrator	Revenue	\$	-
		Expenditures	\$	280,089
		Total	\$	280,089
43	Auditor/Treasurer	Revenue	\$	79,650
		Expenditures	\$	482,570
		Total	\$	402,920
55	Financial Accounting	Revenue	\$	944,058
		Expenditures	\$	-
		Total	\$	(944,058)
61	Information Technology	Revenue	\$	-
		Expenditures	\$	88,500
		Total	\$	88,500
63	Elections	Revenue	\$	1,500
		Expenditures	\$	27,500
		Total	\$	26,000
64	Central Services	Revenue	\$	229,000
		Expenditures	\$	556,910
		Total	\$	327,910
91	Attorney	Revenue	\$	130,000

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		Expenditures	\$	417,900
		Total	\$	<u>287,900</u>
101	Recorder	Revenue	\$	140,000
		Expenditures	\$	<u>228,370</u>
		Total	\$	<u>88,370</u>
105	GIS	Revenue	\$	16,100
		Expenditures	\$	<u>156,050</u>
		Total	\$	<u>139,950</u>
107	Assessor	Revenue	\$	14,100
		Expenditures	\$	<u>204,115</u>
		Total	\$	<u>190,015</u>
109	Planning & Zoning	Revenue	\$	17,100
		Expenditures	\$	<u>227,150</u>
		Total	\$	<u>210,050</u>
111	Facilities	Revenue	\$	98,000
		Expenditures	\$	<u>552,028</u>
		Total	\$	<u>454,028</u>
112	Capital Impr Projects	Revenue	\$	200,000
		Expenditures	\$	<u>40,117</u>
		Total	\$	<u>(159,883)</u>
118	P W Building	Revenue	\$	82,450
		Expenditures	\$	<u>82,450</u>
		Total	\$	<u>-</u>
121	VSO	Revenue	\$	-
		Expenditures	\$	<u>121,825</u>
		Total	\$	<u>121,825</u>
201	Sheriff	Revenue	\$	281,000
		Expenditures	\$	<u>2,136,303</u>
		Total	\$	<u>1,855,303</u>
202	Jail	Revenue	\$	161,000
		Expenditures	\$	<u>1,797,597</u>
		Total	\$	<u>1,636,597</u>
202	Joint Law Enforcement	Revenue	\$	50,000
		Expenditures	\$	<u>224,240</u>
		Total	\$	<u>174,240</u>
215	Coronor	Revenue	\$	-
		Expenditures	\$	<u>21,000</u>
		Total	\$	<u>21,000</u>
254	Sentence to Serve	Revenue	\$	-

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		Expenditures	\$	57,000
		Total	\$	<u>57,000</u>
258	Probation	Revenue	\$	64,861
		Expenditures	\$	345,619
		Total	\$	<u>280,758</u>
281	Emergency Service	Revenue	\$	15,000
		Expenditures	\$	64,675
		Total	\$	<u>49,675</u>
283	E-911 System	Revenue	\$	107,000
		Expenditures	\$	107,000
		Total	\$	<u>-</u>
391	Environmental	Revenue	\$	4,775
		Expenditures	\$	42,625
		Total	\$	<u>37,850</u>
392	HHW	Revenue	\$	179,721
		Expenditures	\$	179,721
		Total	\$	<u>-</u>
393	Recycling	Revenue	\$	368,300
		Expenditures	\$	368,300
		Total	\$	<u>-</u>
485	Public Health LLMP	Revenue	\$	-
		Expenditures	\$	220,000
		Total	\$	<u>220,000</u>
503	Fairgrounds	Revenue	\$	6,250
		Expenditures	\$	77,236
		Total	\$	<u>70,986</u>
515	Culture	Revenue	\$	-
		Expenditures	\$	284,100
		Total	\$	<u>284,100</u>
521	Parks	Revenue	\$	45,700
		Expenditures	\$	188,400
		Total	\$	<u>142,700</u>
521	Twin Lakes	Revenue	\$	-
		Expenditures	\$	5,000
		Total	\$	<u>5,000</u>
602	Extension	Revenue	\$	-
		Expenditures	\$	107,200
		Total	\$	<u>107,200</u>
605	Weed Inspector	Revenue	\$	-

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		Expenditures	\$	16,490
		Total	\$	<u>16,490</u>
611	Ditch Inspector	Revenue	\$	41,586
		Expenditures	\$	<u>41,586</u>
		Total	\$	<u>-</u>
615	Conservation	Revenue	\$	-
		Expenditures	\$	<u>17,800</u>
		Total	\$	<u>17,800</u>
657	Water, Nat'l Res, Flood	Revenue	\$	-
		Expenditures	\$	<u>123,681</u>
		Total	\$	<u>123,681</u>
658	Local Water Impl	Revenue	\$	64,810
		Expenditures	\$	<u>72,060</u>
		Total	\$	<u>7,250</u>
701	Econ Development	Revenue	\$	-
		Expenditures	\$	<u>58,155</u>
		Total	\$	<u>58,155</u>
305	Public Works	Revenue	\$	7,000
		Expenditures	\$	<u>71,581</u>
		Total	\$	<u>64,581</u>
310	Highway Administration	Revenue	\$	3,824,208
		Expenditures	\$	<u>325,148</u>
		Total	\$	<u>(3,499,060)</u>
315	Construction	Revenue	\$	550,000
		Expenditures	\$	<u>3,464,960</u>
		Total	\$	<u>2,914,960</u>
325	Maintenance	Revenue	\$	37,000
		Expenditures	\$	<u>1,814,274</u>
		Total	\$	<u>1,777,274</u>
330	Hwy Maintenance & Shop	Revenue	\$	322,500
		Expenditures	\$	<u>930,946</u>
		Total	\$	<u>608,446</u>
361	Co. Road Impr. - Maintenance	Revenue	\$	-
		Expenditures	\$	<u>43,000</u>
		Total	\$	<u>43,000</u>
	General Revenue			6,962,176
	Road & Bridge			1,909,201
	LLM Human Service			2,359,714
	Debt Service - Jail			
	Bonds			933,250

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Total Levy

12,164,341

10:50 a.m. Commissioner Goodenow left

Discussion of ½ FTE's

Terry Wing – Their primary purpose would be to support the Veteran's transportation service. There is significant amount of coordinating that goes with it. Fenske- What is the definition of part time and where would they be going. Wing – The van driver would be the primary driver for the scheduled trips. It would be every Tuesday and Wednesday to Sioux Falls and first and third Monday to St. Cloud. The hours would be 20 to 30 hours. Stomberg – You would be looking at 2,800 hours total for the two positions. Discussion on program. Ritter – The van driver are you going to have one designated and an optional? What is the back-up plan? Wing – The plan would be to have a contingency of drivers. Stensrud moved, seconded by Anderson to hire a part time van driver and part time program assistant. All voted in favor.

CUP Greg Boerboom – Feedlot

Ritter moved, seconded by Stensrud to grant a Conditional Use Permit to the Greg Boerboom, operator, and Paula Boerboom, property owner, for a new feedlot and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (l), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. Minimum setback for a new feedlot is 1320'. The land is zoned agricultural and described as the Northwest Fractional Quarter of Section Four (4), Clifton Township. As per recommendation of the Lyon County Planning Commission and the Clifton Township Board.

The Proposed Facility to Consist of:

(new) Finishing Hogs (2400 x .3 animal factor) = 720 Animal Units

Type of Building:

(new) Approximately 101'x200' Confinement Barn with 8' deep below the barn concrete manure pit

Manure to be applied agronomically up to two times a year.

The Total Animal Unit Capacity = 720 Animal Units

With the following stipulations:

1. That the applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. That the permit is invalid if the holder has not started construction on the feedlot within a year of the issued land use permit. (A land use permit is valid for one year, and can be renewed administratively for a second consecutive year.)
3. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and other applicable statutes, rules, and ordinances.
4. Manure in a slurry or liquid form that is being applied in accordance to the manure management plan on file with the MPCA shall be injected or spread and incorporated within 24 hours of spreading except for approved emergency spreading.
5. Manure being hauled on public roads must adhere to policies of the particular road authority involved.
6. The applicant shall obtain all appropriate licenses and permits relevant to the request. Agency involved could be the DNR, MPCA, Board of Animal Health, MDA, MDH, etc.
7. Dead animals shall be disposed of in accordance with the Board of Animal Health Regulations. (Structures used for storing dead animals prior to rendering or structures used for composting shall meet appropriate county and state regulations.)
8. The offset model must indicate 94% annoyance odor free. Any odor control technologies used in the offset model must be in place and maintained. Minimum setback to be 1320'.
9. The feedlot shall meet the minimum standards side, rear, and road right of way setbacks, other setbacks, and lot size. Any trees to be planted shall be at least 60 feet from the road right of way.
10. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
11. Minimum lot size for a new animal feedlot is 10 acres.
12. Must apply for and sign property with an E-911 address.
13. A copy of the County Board'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, Fenske,

OPPOSED: None

ABSTAINED: Anderson

ABSENT: Goodenow

Motion carried 3 to 0.

CUP Mike Boerboom – Feedlot

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The Proposed Facility to Consist of:

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Type of Building:

(new) Approximately 101'x200' Confinement Barn with 8' deep below the barn concrete manure pit

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With the following stipulations:

14. That the applicant undertakes the project according to the plans and specifications submitted to the county with the application.
15. That the permit is invalid if the holder has not started construction on the feedlot within a year of the issued land use permit. (A land use permit is valid for one year, and can be renewed administratively for a second consecutive year.)
16. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and other applicable statutes, rules, and ordinances.
17. Manure in a slurry or liquid form that is being applied in accordance to the manure management plan on file with the MPCA shall be injected or spread and incorporated within 24 hours of spreading except for approved emergency spreading.
18. Manure being hauled on public roads must adhere to policies of the particular road authority involved.
19. The applicant shall obtain all appropriate licenses and permits relevant to the request. Agency involved could be the DNR, MPCA, Board of Animal Health, MDA, MDH, etc.
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23. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
24. Minimum lot size for a new animal feedlot is 10 acres.
25. Must apply for and sign property with an E-911 address.
26. A copy of the County Board'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, Fenske,

OPPOSED: None

ABSTAINED: Anderson

ABSENT: Goodenow

Motion carried 3 to 0.

Floor covering for highway shop

Fenske – How much are you planning on replacing? Krause – The entire floor in the highway shop. Anything that is carpeted. Anderson moved, seconded by Stensrud to accept a quote for replacing flooring at highway shop from Floor to Ceiling Tile in the amount of \$5260. All voted in favor.

2012 Wage Scale

Stensrud moved, seconded by Anderson to approve an increase of 2.5% in the 2012 pay scale effective December 26, 2011. All voted in favor.

Closed for elected officials performance review

11:20 a.m. Ritter moved, seconded by Stensrud to go into closed session. All voted in favor.

11:45 a.m. Stensrud moved, seconded by Ritter to come out of closed session. All voted in favor.

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Set 2012 elected officials salaries

Stensrud moved, seconded by Anderson to set the County Recorder Mona Hammer's 2012 salary at \$57,770 from \$54,500. All voted in favor.

Anderson moved, seconded by Fenske to set the County Attorney Rick Mae's 2012 salary at \$101,600 from \$97,700. All voted in favor.

Stensrud moved, seconded by Anderson to set Sheriff Mark Mather's 2012 salary at \$86,050 from \$82,740. All voted in favor.

Anderson moved, seconded by Stensrud to set the Auditor Treasurer Paula VanOverbeke's 2012 salary at \$82,045 from \$80,044. All voted in favor.

Ritter moved, seconded by Stensrud to set the Commissioner's salary and board chair the same as 2012 at \$17,500 with \$200 per month additional for the Board Chair. All voted in favor. (Resolution 54-11 on file with the County Administrator's office).

Ritter moved, seconded by Anderson to set the Commissioner's per diems at \$50 per meeting and full day meetings or two in one day at \$90 and the mileage at the IRS rate. All voted in favor.

Reviewed meeting schedule

Commissioners reports

Ritter reported on the Special Budget meeting.

Stensrud reported on Western Mental Health and Yellow Medicine Watershed.

Anderson reported on Area II, Planning and Zoning, Special Budget meeting, Historical Society meeting, and County Based Purchasing.

Fenske reported on County Based Purchasing, Special Board meeting, meeting to review GASB 54, and Amateur Sports Commission.

12:10 p.m. Meeting Recessed

1:00 p.m. Meeting Called back to order

Senator Dahms and Representative Swedinski met with the County Board.

2:00 p.m. Ritter moved, seconded by Anderson to adjourn for 2011. All voted in favor.

<u>Vendor Name</u>	<u>Amount</u>
B & W Control Specialists Inc	10,124.50
Balaton Publishing Company	10,276.03
BNSF Railway Company	24,327.23
Chippewa County Treasurer	11,369.16
Cottonwood Co- Op Oil Company	3,505.50
ESRI, Inc.	3,633.75
Farmers Coop Assn	44,512.49
Ketterling Services Inc	6,700.00
Lozinski/Dennis	2,562.11
Lyon County Highway Department	3,862.91
Minnesota Cabinets Inc	4,072.00
Olson & Johnson International Inc	10,921 .23
Pomp's Tire Service Inc	10,401.98
Premium Plant Services, Inc	4,158.00
Reliance Telephone Systems Inc	5,000.00
Rock County Transfer Station	8,120.00
Royal Tire Inc	5,071 .62
SAIC Energy, Environmental & Infrastruci	3,270.09
U of MN Regents	11,066.26
Waste Management	23,002.00
97 Payments less than 2000	39,013.31
Final Total:	244,970.17

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<u>Vendor Name</u>	<u>Amount</u>
A & C Excavating and	10,900.00
Lyon County	93,683.30
Lyon- Lincoln Electric Coop Inc	3,526.16
Marshall Municipal Utilities	19,268.13
Mc Laughlin & Schulz, Inc	109,188.54
R & G Construction Inc	203,712.36
Secure Benefits Systems	5,438.26
SW WC Service Cooperatives	104,351.50
21 Payments less than 2000	5,407.40
Final Total:	555,475.65

<u>Vendor Name</u>	<u>Amount</u>
Computer Professionals Unlimited Inc	21,919.36
MN Dept of Treasury	6,784.00
MN State Auditor	14,093.00
United States Postal Service- Hasler	20,000.00
15 Payments less than 2000	7,603.67
Final Total:	70,400.03

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator