

LYON COUNTY BOARD OF COMMISSIONERS MEETING AGENDA
COMMISSIONER'S ROOM
LYON COUNTY GOVERNMENT CENTER
Tuesday, April 21, 2026 at 9:00 AM

1. Opening

Pledge of Allegiance

2. Approve Agenda

Conflict of Interest

Per Diems

3. Consent Agenda

1. Approve Consent Agenda

2. Minutes 4/7/26

3. Commissioner Warrants

4. Auditor Warrants

5. Per Diems

4. Resolutions/Contracts/Routine

4.1 PFAS Bonding Resolution

Consider passing the attached resolution in support of the State of Minnesota to include funding in the 2026 State Capital Investment, and in addition to request funding from the Clean Water Fund.

[LYON COUNTY RESOLUTION - PFAS Bonding Clean Water Funds Request.docx](#)

5. Regular Agenda

5.1 Accept Donation

Accept donation of \$50 from Marian Livingston to place in Sheriff's Office donation account.

5.2 CD 12 Repair Continued Public Hearing

To approve the attached findings and order.

[2026 04 21 Repair Hearing Agenda \(Lyon County CD 12 Repair\).pdf](#)

[CD 12 Draft Findings & Proposed Order for Repair.docx](#)

6. Board Reports

7. Adjournment

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Lyon County Board of Commissioners. This document does not claim to be complete and is subject to change.

Barrier Fee: All Lyon County Board of Commissioners are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact Loren Stomberg at 507-537-6980 early so necessary arrangements can be made.

LYON COUNTY

REQUEST FOR BOARD ACTION

Requested Board Date: 04/21/26	Item: PFAS Bonding Resolution
Originating Department: Environmental Office	Presenter: Schroeder

Board Action Requested:

Consider passing the attached resolution in support of the State of Minnesota to include funding in the 2026 State Capital Investment, and in addition to request funding from the Clean Water Fund.

Background:

Lyon County staff and administration met with staff and administration from the City of Marshall to discuss funding for a leachate treatment facility to be located at the Lyon County landfill. This to meet the objectives of reducing the industrial loading of PFAS chemicals through the wastewater treatment plant. The result of the conversation was an initiative to introduce legislation during this current session to request financial assistance from the State of Minnesota specifically for a permanent onsite leachate treatment facility. Thus far two bills have been introduced in the Minnesota Senate.

Supporting Documents:

[LYON COUNTY RESOLUTION - PFAS Bonding Clean Water Funds Request.docx](#)

LYON COUNTY RESOLUTION _____

SUPPORTING A REQUEST FOR STATE BONDING BILL FUNDING AND CLEAN WATER FUNDS FOR LYON COUNTY REGIONAL LANDFILL PER- AND POLY- FLUOROALKYL SUBSTANCES (PFAS) TREATMENT FACILITY

WHEREAS, Lyon County owns and operates a municipal solid waste (MSW) landfill disposal facility; and

WHEREAS, the Lyon County Regional Landfill serves the counties of Lac qui Parle, Lincoln, Lyon, Pipestone, Redwood, Renville, Rock, and Yellow Medicine, with solid waste disposal services; and

WHEREAS, Lyon County is operating in accord with its existing Minnesota Pollution Control Agency (MPCA) issues permit (SW-#23) with an approved Certificate of Need (CON) from MPCA; and

WHEREAS, Lyon County appropriately manages landfill wastewater (“leachate”) in accordance with its MSW permit requirements which include transportation and discharge to the City of Marshall wastewater treatment plant (WWTP) through an approved Significant Industrial User (SIU) agreement between the City of Marshall and Lyon County; and

WHEREAS, the City of Marshall has notified the County of its intent to terminate the SIU agreement in 2028 out of its concern for PFAS loading, and pending chloride standards; and

WHEREAS, the MPCA has provided guidance to the City of Marshall WWTP that supports the City’s decision to reduce PFAS loading in its influent; and

WHEREAS, Lyon County has provided the City of Marshall WWTP with an approved PFAS Reduction plan as requested by the City following the guidance of MPCA; and

WHEREAS Lyon County landfill staff have conducted MPCA Grant funded research projects to identify incoming sources of PFAS, and evaluate treatment technologies to mitigate and manage PFAS compounds on-site; and

WHEREAS, Lyon County, in consultation with its environmental consultants have determined that a viable course of leachate treatment on site would result in no further need to discharge to a WWTP; and

WHEREAS, the value of a leachate treatment facility located at the Lyon County Regional Landfill is estimated at 5.5 million dollars; and

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council requests State of Minnesota include funding in the 2026 State Capital Investment and in addition requests funding from the Clean Water Fund.

Passed by the County of Lyon, Minnesota Board of Commissioners this _____ day of Month, Year.

Todd Draper, Chair, Lyon County Board of Commissioners

Attest:

Loren Stomberg, Lyon County Administrator

LYON COUNTY

REQUEST FOR BOARD ACTION

Requested Board Date: 04/21/26	Item: Accept Donation
Originating Department: Sheriff	Presenter: Sheriff Eric Wallen

Board Action Requested:

Accept donation of \$50 from Marian Livingston to place in Sheriff's Office donation account.

Background:

On 04/14/2026, Marian Livingston stopped at the Sheriff's Office and provided a \$50 donation. There was no specific request for how to use the donation. It will be placed into the Sheriff's Office donation account to be used at a future time. A thank you card has been prepared.

LYON COUNTY

REQUEST FOR BOARD ACTION

Requested Board Date: 04/21/26	Item: CD 12 Repair Continued Public Hearing
Originating Department: P&Z/SWCD	Presenter: Biren

Board Action Requested:

To approve the attached findings and order.

Background:

Continued public hearing for the CD 12 repair.

Supporting Documents:

[2026 04 21 Repair Hearing Agenda \(Lyon County CD 12 Repair\).pdf](#)
[CD 12 Draft Findings & Proposed Order for Repair.docx](#)

STATE OF MINNESOTA
LYON COUNTY BOARD OF COMMISSIONERS
ACTING AS DRAINAGE AUTHORITY UNDER MINNESOTA STATUTES CHAPTER 103E
FOR LYON COUNTY DITCH 12

In the Matter of the Proceeding for Repair of Lyon County Ditch 12	AGENDA FOR CONTINUED REPAIR HEARING April 21, 9:00 a.m. Commissioners' Room, Government Center, 607 W. Main Street, Marshall, MN 56258
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1. Call to Order & Opening of Continued Public Hearing – *Board Chair*
2. Continued Hearing Purpose & Procedural Requirements – *Attorney Kale Van Bruggen, Rinke Noonan Law Firm*
3. Amended Engineer's Repair Report Presentation – *Chuck Brandel, I & S Group, Inc.*
4. Quotes for repair – *John Biren, Lyon County Planning & Zoning Administrator*
5. Public Comments & Questions Concerning Amended Repair Report – *Please state your name, address, and description of your property for the record.*
6. Possible Action by Drainage Authority:
 - a. Continue hearing to permit further investigation into public comments and response or to direct further evaluation of alternatives;
 - b. Adopt motion to approve draft findings and proposed order for repair if the drainage authority determines from the amended repair report and the evidence presented that the repairs recommended are necessary for the best interests of the affected property owners; or
 - c. Adopt motion to direct preparation of draft findings and proposed order not to proceed with repair if the drainage authority determines from the repair report and the evidence presented that the repairs recommended are not necessary for the best interests of affected property owners.
7. Adjourn

STATE OF MINNESOTA
LYON COUNTY BOARD OF COMMISSIONERS
ACTING AS THE DRAINAGE AUTHORITY UNDER MINNESOTA STATUTES, CHAPTER 103E
FOR LYON COUNTY DITCH 12

In the Matter of the Proceeding for Repair of Lyon County Ditch 12	FINDINGS & ORDER APPROVING AMENDED ENGINEER’S REPAIR REPORT & QUOTE FOR REPAIR, AND DIRECTING REPAIR WORK
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At a duly noticed public meeting of the Lyon County Board of Commissioners, acting as the drainage authority under Minnesota Statutes, chapter 103E, for Lyon County Ditch 12, held on April 21, 2026, the Drainage Authority considered the amended engineer’s repair report filed after the March 17, 2026 repair hearing and the entire record of proceedings in this matter. Commissioner _____ moved, seconded by Commissioner _____, to adopt the following Findings and Order:

FINDINGS:

1. The Lyon County Board of Commissioners (the “Board”) is the drainage authority under Minnesota Statutes, chapter 103E (the “Drainage Authority”) with the statutory obligation to inspect, maintain, and repair Lyon County Ditch 12 (“CD 12”).
2. The Lyon County Drainage Inspector prepared and filed a drainage inspection report for CD 12 under Minnesota Statutes, section 103E.705, subdivision 3, reporting that portions of CD 12 are in disrepair and in need of repair.
3. Because the estimated cost of the repairs identified in the drainage inspection report exceeded the annual repair assessment levy limitations in Minnesota Statutes, section 103E.705, the Drainage Authority proceeded under the repair-by-petition procedures in Minnesota Statutes, section 103E.715 and appointed I & S Group, Inc. as engineer to prepare an engineer’s repair report for CD 12.
4. Pursuant to Minnesota Statutes, section 103E.715, I & S Group, Inc. filed County Ditch Number 12 Repair Report (Project No. 23-29762) dated September 30, 2025 (the “Engineer’s Repair Report”), which shows the necessary repairs, estimated costs, and the plans, specifications, and details necessary to prepare and award a contract for repairs.
5. The Engineer’s Repair Report noted that CD 12 is in disrepair and in need of repair. The Repair Report states that the existing system is over 100 years old, which is past the life expectancy for similar systems. The Engineer’s Repair Report notes that the drainage system was originally constructed in 1912, and there have been no documented repairs or improvements since then.

6. The Engineer's Repair Report states that the proposed repair option would seek to restore the mainline tile from its outlet up to County Road 15. This proposed repair would seek to restore the same hydraulic capacity, grade, and depth as the originally constructed or subsequently improved, drainage system.
7. The Engineer's Repair Report recommends a comprehensive repair consisting of replacing approximately 3,370 linear feet of tile with modern non-perforated dual-wall High Density Polyurethan (HDPE) pipe, from CD 12's outlet in the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section 7 of Township 110 North, Range 42 West (Lyons Township). The Repair Report notes that new tile will generally follow the existing alignment and grades, with minor adjustments where needed to provide adequate cover and to restore proper hydraulic performance.
8. The Engineer's Repair Report states that, utilizing the original construction documents, the Engineer determined drainage coefficients corresponding to the existing condition, and therefore the As Constructed or Subsequently Improved Condition (ACSIC) of the mainline tile.
9. The Engineer's Repair Report states that required temporary erosion control will consist of silt fence or bio-roll around all surface intakes until vegetation is established, and that, if necessary, an erosion control plan or a storm water pollution prevention plan will be developed before final construction plans are complete. Permanent erosion control will consist of riprap around all tile outlets into ditches.
10. The Engineer's Repair Report states that no major alignment changes are proposed in the repair at this time, but realignment of the tile system would occur when the new tile is installed.
11. The Engineer's Repair Report recommends that, after construction, any segments of the existing tile be abandoned and no longer maintained by the Drainage Authority.
12. The Engineer's Repair Report states that adequate right-of-way for the Project was acquired at the time CD 12 was established and that additional right-of-way is not required.
13. The Engineer's Repair Report includes details, plans, and specifications necessary to prepare and award a contract for the repairs.
14. The Engineer's Repair Report contains an opinion of probable cost. The Engineer's Repair Report estimated the total project cost at \$275,588.00, subject to final design, bidding, and any adjustments required by the Engineer prior to contract award.
15. On February 17, 2026, the Drainage Authority set a final hearing on the Engineer's Repair Report for March 17, 2026, at 8:00 a.m. in the Commissioners' Room of the Government

Center, 607 West Main Street, Marshall, Minnesota, and directed that at least ten days before the hearing, the Lyon County Auditor/Treasurer cause notice of the time and location of the hearing be mailed to the owners of property and political subdivisions likely to be affected by the repair in the repair report. The Drainage Authority finds that notice was provided in accordance with Minnesota Statutes, chapter 103E.

16. The Drainage Authority held the noticed repair hearing on March 17, 2026.
17. At the March 17, 2026 hearing, representatives of I & S Group, Inc. presented the Engineer's Repair Report and answered questions from the Drainage Authority and affected landowners.
18. At the public hearing, affected landowners appeared and commented on the proposed repair. Among other comments, one landowner stated that the repair should extend farther west to address more of the drainage system; another stated that approximately 10% of the watershed does not presently reach the drainage system; another requested that settlement at road crossings be addressed during construction; and another expressed concern that old tile lines not maintained by the Drainage Authority could continue to blow out and bring water to the surface. The Engineer responded that the old tile would be used as header connections where appropriate, that the downstream end would be plugged to reduce blowout concerns, and that the number of such connections could be reduced if necessary. Comments are documented in the March 17, 2026 minutes of the Drainage Authority and incorporated herein.
19. Following the public comments and discussion, Commissioner Anderson moved, seconded by Commissioner Crowley, to amend the engineer's report; authorize the Drainage Inspector and staff to solicit quotes for a limited-scope repair consistent with the proposed repair and within the cost limitations referenced at the hearing; provide that information to the Engineer for preparation of an amended repair report; and continue the hearing to April 21, 2026, at 9:00 a.m. in the Commissioners' Room of the Government Center, 607 West Main Street, Marshall, Minnesota. The motion carried.
20. At the continued hearing, the Drainage Authority received and considered the quotes solicited by the Drainage Inspector for the limited-scope repair authorized on March 17, 2026.
21. After the March 17, 2026 hearing and before the continued hearing, I & S Group, Inc. filed County Ditch Number 12 Repair Report dated March 23, 2026 (the "Amended Engineer's Repair Report"), which shows the necessary repairs, estimated costs, and the plans, specifications, and details necessary to prepare and award a contract for repairs.
22. The Amended Engineer's Repair Report recommends repair of the CD 12 mainline from its outlet in the Southwest Quarter of Section 7, Township 110 North, Range 42 West, up to Lyon County Road 15, by installing approximately 3,370 linear feet of 24-inch non-

perforated dual-wall high density polyethylene (HDPE) tile. The Amended Engineer's Repair Report further provides that the existing tile will be connected where appropriate to maintain service as header connections and that downstream plugging and related construction measures may be used to address blowout concerns.

23. The Amended Engineer's Repair Report contains an opinion of probable cost. The Executive Summary estimates the total project cost at \$284,587.00, and the detailed appendices provide component estimates and contingencies. The Drainage Authority adopts the Engineer's opinion of probable cost as the basis for proceeding, subject to the quote approved by the Drainage Authority and any adjustments approved by the Engineer that are consistent with the Amended Engineer's Repair Report.
24. Pursuant to the motion adopted by the Drainage Authority at the March 17, 2026 repair hearing, the Lyon County Drainage Inspector solicited quotes for the repair work described in the Amended Engineer's Repair Report, or for such limited scope repair work as is consistent with the Amended Engineer's Repair Report and the cost limitations discussed at the March 17, 2026 hearing. The quotes received were presented to the Drainage Authority at the continued hearing on April 21, 2026, and made part of the record.
25. At the continued hearing on April 21, 2026, the Drainage Authority reviewed the quotes presented by staff and finds that the quote submitted by _____ in the amount of \$_____ is the quote that should be approved for construction of the repair authorized herein, subject to preparation and execution of any county-required contract documents and subject to the terms of the Amended Engineer's Repair Report, as approved by this Order.
26. The Amended Engineer's Repair Report includes the details, plans, and specifications necessary to prepare and award a contract for the repairs. Evidence of all actions in this matter, including preliminary orders, appointments, oaths, affidavits of mailing, publication and posting, hearing agendas, minutes, and presentation materials, is present in the record of proceedings and is incorporated herein by reference.
27. As part of its inquiry, the Drainage Authority and its Engineer considered the conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare.
28. The work meets the definition of drainage system repair found in Minnesota Statutes, chapter 103E, which states: The term "repair" means to restore all or a part of a drainage system as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved, including resloping of ditches and leveling of spoil banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations

that may be required to remove obstructions and maintain the efficiency of the drainage system. Repair of a drainage system may include the incorporation of measures to reduce channel erosion and otherwise protect or improve water quality.

29. After considering the Engineer's Repair Report, the Amended Engineer's Repair Report, the comments and testimony received at the March 17, 2026 hearing and the continued hearing, the quotes solicited by the Drainage Inspector, and the conservation and public interest factors (including soil and water conservation and related natural resources), the Drainage Authority finds that the repairs described in the Amended Engineer's Repair Report are necessary for the best interests of the affected landowners, constitute a repair under Minnesota Statutes, chapter 103E, and are in the public utility, benefit, and welfare of the affected property owners.

ORDER:

Based on the foregoing Findings and the entire record of proceedings, the Lyon County Board of Commissioners, acting as the drainage authority for Lyon County Ditch 12, hereby orders as follows:

- A. That the Amended Engineer's Repair Report is approved, and the repair of Lyon County Ditch 12 as described in the Amended Engineer's Repair Report is authorized and shall be made.
- B. That the Drainage Authority hereby approves the quote submitted by _____ in the amount of \$_____ for construction of the repair described in the Amended Engineer's Repair Report, as approved herein. Upon the expiration of all appeals periods applicable to this Order, the Lyon County Drainage Authority staff, under the direction and supervision of the Lyon County Auditor/Treasurer, are authorized to coordinate with the Engineer and the approved quoter to finalize the scope of work, prepare and execute any required contract documents, and proceed with construction of the repair in substantial conformity with the Amended Engineer's Repair Report.
- C. That the Drainage Authority staff, and any consultants are authorized to provide construction staking, inspection, and oversight during construction, as necessary. Upon completion of construction, the Engineer shall make a report to the Drainage Authority showing the approved quote amount or contract price, the amount paid, the unpaid balance, and the work completed (the "Contract Acceptance Report"), and shall recommend final acceptance or identify any items requiring correction.
- D. That the cost of the repair shall be paid from funds available in the Lyon County Ditch 12 drainage system account, or by assessments made to properties benefited by the drainage system according to the drainage system records, or by a combination of both funding and collection methods, as authorized by Minnesota Statutes, chapter 103E. The

Drainage Authority staff is authorized to temporarily advance funds, if necessary, to pay repair costs pending final assessment and collection, subject to later reimbursement from assessments.

- E. That any segments of existing tile remaining in place after construction due to minor alignment changes shall be abandoned, connected, plugged, or otherwise addressed as provided in the final plans and the Amended Engineer's Repair Report, and such abandoned segments shall no longer be maintained by the Drainage Authority unless otherwise ordered.
- F. That when the Engineer's Contract Acceptance Report is filed, the Drainage Authority staff, under the direction and supervision of the Lyon County Auditor/Treasurer, shall set a time and location for a hearing on the repair and shall give notice of the hearing by publication or by mail at least ten days before the hearing to the owners of affected property.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings and Order, and there were _____ yeas, _____ nays, _____ absent, and abstentions as follows:

	Yea	Nay	Absent	Abstain
ANDERSON	☐	☐	☐	☐
ANDRIES	☐	☐	☐	☐
CROWLEY	☐	☐	☐	☐
DRAPER	☐	☐	☐	☐
GRAUPMANN	☐	☐	☐	☐

Upon vote, the Board Chair declared the motion passed and the Findings and Order adopted.

Todd Draper, Chair
Lyon County Board of Commissioners
Drainage Authority for County Ditch 12

Dated: April 21, 2026

* * * * *

I, John Xiong, Lyon County Auditor/Treasurer, do hereby certify that I have compared the above motion and Findings and Order for Repair with the original thereof as the same appears of record and on file with the Lyon County Board of Commissioners and find the same to be a true and correct transcript thereof. The above Hearing Order was filed with me, Lyon County Auditor/Treasurer, on April 21, 2026

IN TESTIMONY WHEREOF, I hereunto set my hand on this 21st day of April 2026.

John Xiong, Auditor/Treasurer
Lyon County, Minnesota