

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

Pledge of Allegiance to the Flag

Approve Agenda

Under resolutions and contracts if we could consider authorizing payment of second quarter appropriations, under my time consider and under Aurora’s time add the Senior Engineering Tech position. Ritter moved, seconded by Stensrud to approve the agenda. All voted in favor.

Identify any Conflict of Interest

None identified.

	Per Diems	Expenses
Fenske	\$290.00	\$ 73.81
Goodenow	\$150.00	\$ 36.63
Anderson	\$190.00	\$163.17
Stensrud	\$240.00	\$ 81.03
Ritter	\$230.00	-----

Consent Agenda:

1. Approve Minutes from April 3, 2012
2. Approve Commissioner Warrants 128851-128954 in the amount of \$271,913.35 dated 4-18-12.
3. Approve Auditor Warrants 128788-128813 in the amount of \$28,889.80 dated 4-5-12 and 128826-128850 in the amount of \$111,791.38 dated 4-12-12
4. Approve Per Diems & Expenses
5. Authorize advertising for bids: S.A.P. 42-631-02
6. Approve the following damage abatements from July 1, 2011 storm:

Jim Swenson Parcel	17-002005-0	\$160.00
James Williams Parcel	02-019003-0	\$146.00
Thomas Wyffels Parcel	09-033007-0	\$142.00
Bernard Louwagie Parcel	18-030003-1	\$100.00
Rollin Bedow Parcel	16-006002-2	\$120.00
Evan Peterson Parcel	09-023005-0	\$108.00
Dennis Oeltjenbruns Parcel	02-031001-0	\$186.00
William Driscoll Parcel	16-003004-0	\$120.00
Paul Dunlap Parcel	06-026009-9	\$340.00

Ritter - I would request we pull consent agenda item number 2. Goodenow moved, seconded by Anderson to approve consent agenda items 1 and items 3-6. All voted in favor.

Discussion on consent agenda item number 2. Goodenow moved, seconded by Ritter to approve consent agenda item number 2. All voted in favor.

Resolutions/Contracts

GASB 54 Fund balances

Goodenow moved, seconded by Anderson to approve and authorize the Chair to sign a resolution with the GASB 54 fund balances for 2011. Ritter – The group home fund is at \$9,300, doesn’t that need to be closed out? Maes – I haven’t heard anything back from the IRS. It wasn’t quite 9,000 but it was more than 8,000 and then they wrote it off. All voted in favor.

Second Quarter Appropriations

Goodenow moved, seconded by Stensrud to approve the following second quarter appropriations.

Marshall Lyon County library	\$20,833.33 monthly
Southwest Health and Human Services	\$55,000 quarterly
Lyon County Historical Society	\$6,500 quarterly
Lyon Soil & Water Conservation District	\$21,875 quarterly

All voted in favor.

EDA Update – Cal Brink

Cal Brink gave an EDA update.

City, Township, & county meeting

Stomberg reviewed a list of topics. Fenske set a special meeting for Thursday May 24, 2012 at 7:00 p.m.

Cottonwood Meeting

Stomberg - We received a letter from the city of Cottonwood to meet to discuss the intention of the Cottonwood shop. Stensrud – The city meeting you were talking about was about sharing a joint building. Ritter – That would be good discussion, it was talked about years ago.

Skunk Hollow

Ben Martig (Marshall City Administrator) – reviewed the Skunk Hollow plans.

Library Building

Discussion on library building. Ritter – It is time we give the historical society a permanent home so we can preserve our past. Fenske – Have you talked to the historical society that the county would own the building and arrange a long term lease, and do they have funds to do the renovating? Goodenow – There are some things you can do as a long term lease. Fenske – We have a number of folks here from the historical society. Ann Carrow – If we do get the library and the county owns it and we list it in the national register there are different grants and aids available but it is getting it listed. I talked to the Minnesota Historical Society and they are willing to help us get it listed. Neil Engebretson –It does have significant value. We appreciate your support and as far as ownership. There is nothing we would like better then to have county ownership. Fenske – I see we have the superintendent and finance director from Marshall school district here. Klint Willert – I would have you think of three p’s. They are partnership, progress and process. Neil Engebretson – When any government unit asks for proposals they have a right to reject any proposal. Stensrud moved, seconded by Goodenow to offer \$100,000 to the city of Marshall for their consideration to purchase the library building. All voted in favor.

ERTK policy

Goodenow moved, seconded by Stensrud to approve the Employee Right to Know policy. All voted in favor.

Senior Engineering Technician

Anderson moved, seconded by Stensrud to authorize hiring Nick Ousky as a full time Senior Engineering Technician with a start date of May 14, 2012 and a starting hourly wage of \$19.60. All voted in favor.

10:25 a.m. Meeting Recessed
10:35 a.m. Meeting Called Back to Order

Draft Recycling bid & Contract

Henriksen- I would look at bringing it back on May 15. Maes – The term of contract you probably want to make it through December 31, 2017. Goodenow moved, seconded by Stensrud to approve and authorize bids based on the draft recycling bid and contract. All voted in favor.

Out of state travel request

Anderson moved, seconded by Goodenow to approve an out of state travel request for Mona Hammer to Rock Island Illinois on May 21-23, 2012. All voted in favor.

CUP – Feedlot expansion – Chuck Deutz

Biren reviewed conditions of CUP. Fenske asked for public comments. Upon hearing none Fenske closed the public hearing. Ritter moved, seconded by Anderson to grant a Conditional Use Permit to Chuck Deutz, 3065 State Highway 19, Marshall, Minnesota, for a feedlot expansion 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%. The land is zoned agricultural and described as the West 32.37 acres of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Five (5) Township 111, Range 40 (Clifton Township).

Existing Facility Consists of:

Cattle (270 x 1.0 animal factor) = 270 Animal Units

Type of Buildings:

Open Lot 140’x125’

Proposed Facility to Consist of:

Cattle (270 x 1.0 animal factor) = 270 Animal Units

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

Type of Buildings:

Open Lot 140'x125'

(new) Approximately 102'x200' Total Confinement Barn with a 102'x200'x8' Pit

Manure from Cattle to be spread as needed.

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

The Total Animal Unit Capacity = 990 Animal Units

As per recommendation of the Lyon County Planning Commission and the Clifton Township Board.

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.
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. A copy of the 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 for by the applicant for the actual costs incurred by the county for the recording fees.

All voted in favor.

CUP - Feedlot expansion – Dean Noyes

Biren – Were there any questions on the conditions? Fenske – All of these conditions apply to the proposed new facility? From what I understand they have some problems with the existing facilities. Biren – The only complaint I have in my file in 2005 there were two rows of trees to be required being planted. What got planted were bare root ash tree. Fenske – There are a lot of complaints on the manure smells, the odor, and the noise. I am wondering if Planning and Zoning took that into consideration. Biren – The odor was the largest complaint. Discussion on odor requirements. Stensrud – I got a couple of calls and one was odor and one was intermittent odor and spreading too close. Biren – In terms of the manure application the planning commission did give it some thought. Goodenow – John you talked about the manure handling even more technical than it has been done. Biren – This CUP will address the entire feedlot.

Fenske opened the public hearing.

Mona Devries – I am wondering, there has been no mention on the letter from the city of Marshall. Fenske – We have copies of all of the letters in our packets. Goodenow – Is that part of our record? Biren – It is part of the planning and zoning record. Chlebeczek – We are opposed to the extra barn. We feel it may lower our property value. Gordy is the one who is going to lose the most here. As far as the tree thing, I think Dean has been dragging his feet on this. I question if all the rules are going to be followed. Judy Timmerman – I wanted to say that we are opposed to the fourth building. We have to advocate for ourselves because this is where we live. We were there in 1975 before anything was built. With those being built and the third one has been a disaster. Mona Devries – We bought our place in May 2006. We were told when we bought it there would be no expansion, we would never have bought. We do get intermittent odor and squealing and flies. Stensrud – Who told you no more were going to be built? Devries – John. Biren – I did look back at the record, if I said that I was wrong. There is nothing on the record. Kathleen Blatz – I remember when the first barn went up. I don't know if you would be able to sell it. With the new ash disease how long are the trees going to last. Don Buell – The hogs in Dean's barn belong to me and some other farmers by Tyler. He has a beautiful farm he is immaculate. When he applies manure he tests it. As far as controlling the smell, he keeps the operation clean. From my perspective he has done a good job. Gordon Timmerman- Part of the

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problem with the smell is they don't fit our description. I would like to know how many total gallons of manure is going to be produced, where is it going to be spread? Biren – The barn isn't built yet and each barn varies a bit from one to another. I would say on the high end 400,000 gallons. On a corn soybean rotation it would be about 200 acres. That is a rough estimate. Noyes – Addressing the stink problem, we very seldom smell the barn. Discussion on conditions. Ron Devries – Which way are the fans going to be blowing out of the building. Biren – This barn will have curtains on the south end of the barn allowing the wind to draw through and the fans and will suck it out to the north. It will follow the wind. Fenske – Any other comments before we close the public hearing. Gordy - I don't know what to do with this smell it is going to do worse and worse. Karen Winn – My husband is Tom and we moved to that location is 2002. There have been a lot of issues with the environment and the conditions with the air that I am suppose to breath. I don't smell it very often maybe just when they spread the manure Terry Chlebeczek – We are not against raising hogs but it is coming to a point now it is not the family farmer. It has been a commercial operation. I pay commercial taxes out there, does Dean? Fenske asked for additional comments. Upon hearing none Fenske closed the public hearing. Fenske – I still have problems with this, with the others they are already having problems. Biren – The odor offset is a model. Discussion on conditions. Maes – You can add conditions to it, but right now from the findings of Planning and Zoning. It meets the requirements of your ordinance. It was their opinion it didn't meet the good cause. You can certainly add conditions to it. Stensrud – I would say to Dean please make this as clean as possible and I think he will. Fenske – Legally we don't have a reason to deny it. Anderson – One of the conditions we could use is the shrubs around the outside. Ritter – Dean, are you willing to do some of what we are talking about like plant lilacs. Noyes – I'll put a row of lilacs, I don't have a problem with that. Fenske – Are we ready to take action or do we want to set a additional condition? Discussion on additional conditions.

Anderson moved, seconded by Goodenow to grant a Conditional Use Permit to Dean Noyes, 2974 230th Avenue, Marshall, Minnesota, for a feedlot expansion 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%. The land is zoned agricultural and described as the Northwest Quarter (NW1/4) of Section Thirty (30) in Township 112N Range 41W (Fairview Township).

Existing Facility Consists of:

Finishing Hogs (2200 x .3 animal factor) = 660 Animal Units

Type of Buildings:

Two 41'x120' Total Confinement Barns with Two 41'x120'x8' Pits

One 51'x164' Total Confinement Barn with 51'x164'x8' Pit

Proposed Facility to Consist of:

Finishing Hogs (2200 x .3 animal factor) = 660 Animal Units

(new) Finishing Hogs (1200 x .3 animal factor) = 360 Animal Units

Type of Buildings:

Two 41'x120' Total Confinement Barns with Two 41'x120'x8' Pits

One 51'x164' Total Confinement Barn with 51'x164'x8' Pit

(new) 51'x192' Total Confinement Barn with a 51'x192'x8' Pit

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

The Total Animal Unit Capacity = 1020 Animal Units

As per recommendation of the Lyon County Planning Commission and the Fairview Township Board.

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.
5. Manure spread within two miles of the City of Marshall shall be incorporated immediately by applicator.
6. Manure being hauled on public roads must adhere to policies of the particular road authority involved.
7. 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.
8. 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.)
9. The offset model must indicate 94% annoyance odor free. Any odor control technologies used in the offset model must be in place and maintained.
10. 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. Trees that are missing shall be replaced with like size.

11. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
12. Manure must be applied at least 600 feet from existing rural residences and existing rural businesses unless prior permission is received from residences and/or businesses and on file with Planning and Zoning.
13. A copy of the 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.
14. All neighboring dwellings and businesses shall be informed no more than 3 days but not less than 2 days, if possible, prior to pumping manure. Must also inform the Planning and Zoning Office.
15. Inspection port located on perimeter tile of new confinement barn and inform Planning and Zoning of test results.
16. Applicant to add a row of bushes following the existing tree line. Bush row to include coverage on the easterly edge of the new barn. To be completed by November of 2012 that gets to at least eight feet tall variety and allows wind flow.

All voted in favor.

Reviewed Meeting Schedule

Commissioners Report

Anderson reported on Planning and Zoning, Soil and Water, ditch meeting in Granite Falls, and Extension meeting.

Stensrud reported on PAC meeting, Area II, RCRCA, meeting with city of Minneota, Soil and Water.

Goodenow reported on Fair board and library.

Ritter reported on SWHHS.

Fenske reported on Regional Development Commission, Area Transportation meeting, Skunk Hollow meeting, PAC, JD 24, JD 10, and District 8 Land use and Advisory Task Force.

12:20 p.m. Meeting Recessed

7:00 p.m. Fenske called Redistricting Public Hearing to order

Members present: Stensrud, Goodenow Fenske, Ritter, Anderson, County Administrator Stomberg, and County Auditor/Treasurer Van Overbeke, Others present: Byron Higgins – Minneota Mascot and Deb Gau Marshall Independent. No members of the public were present.

Fenske – Officially this is a public hearing. Stomberg – About a month ago at the county board meeting we did have a discussion over redistricting every ten years. We need to open it up to the public. The intent of the law is to get the districts as even in population as practicable and as compact as possible. We follow the cities and townships boundaries. The districts have to be contiguous, they have to connect at more than just a point. Fenske asked for public comment, upon hearing none the public hearing was closed.

The following resolution (Resolution 14-12 is on file in the County Administrator's Office) was offered by Commissioner Goodenow, second by Commissioner Anderson, and adopted by the Lyon County Board of Commissioners on April 17, 2012, with the following voting in favor: Anderson, Fenske, Goodenow, Ritter, Stensrud, and none voting against:

WHEREAS, Minnesota Statutes Chapter 375 establishes the procedure and requires a process for redistricting county commissioner districts based on population figures from the Federal Census; and,

WHEREAS, Minnesota Statute section 204B.135, subd. 2 requires that county commissioner districts be redistricted within 80 days of when the legislature has been redistricted or at least 15 weeks before the state primary election, whichever comes first; and

WHEREAS, pursuant to these statutes the 2010 Federal Census population figures shall be used to redistrict the Lyon County Commissioner Districts by May 1, 2012, and that commissioner districts shall be bounded by town, municipal, ward, city district, or precinct lines; and,

WHEREAS, the Lyon County Board of Commissioners has considered the possibility or potential for maximizing minority representation on the board of commissioners; and,

WHEREAS, Lyon County published notice in the newspaper having the contract for publishing commissioner's proceedings for the county for 2012; and,

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WHEREAS, Lyon County conducted a public meeting on redistricting on April 17, 2012;

NOW, THEREFORE BE IT RESOLVED that the Lyon County Board of Commissioners hereby redistricts the County of Lyon, following town, municipal, and ward lines as reestablished in April, 2012, and reestablishes the length of terms as follows:

- District 1 – Fairview Township, City of Marshall Ward 1 (4 year term, 2012 election)
Population 5,053
- District 2 – Lake Marshall Township, City of Marshall Ward 2 (2 year term, 2012 election)
Population 5,166
- District 3 – Lynd Township, City of Lynd, City of Marshall Ward 3 (2 year term, 2012 election) Population 5,294
- District 4 – Clifton Township, Island Lake Township, Nordland Township, Westerheim Township, Grandview Township, Stanley Township, Vallers Township, Eidsvold Township, Lucas Township, City of Cottonwood, City of Minneota, City of Taunton, City of Ghent (4 year term, 2012 election) Population 5,207
- District 5 – Coon Creek Township, Lyons Township, Amiret Township, Custer Township, Monroe Township, Rock Lake Township Shelburne Township, Sodus Township, City of Balaton, City of Florence, City of Garvin, City of Russell, City of Tracy (4 year term, 2012 election) Population 5,137

BE IT RESOLVED that the County Administrator is directed to file the redistricting plan with the County Auditor before May 1, 2012, to be effective on the thirty-first day after filing, for the primary and general election and publish in the Minneota Mascot.

BE IT FINALLY RESOLVED that the districts are, for illustrative purposes, identified in a map of the county attached hereto and marked Exhibit A which by reference is hereby made a part hereof.

MMU Easement

Stomberg – They need some additional easement from us. The extension of the easement that they are requesting will not affect the parking lot. Stensrud moved, seconded by Goodenow to approve the Administrator to sign a MMU utility easement.

7:45 p.m. Ritter moved, seconded by Stensrud to adjourn. All voted in favor.

Vendor Name	Amount
COMPUTER PROFESSIONALS UNLIMITED INC	4,176.65
LYON-LINCOLN ELECTRIC COOP INC	4,576.88
MARSHALL AREA CHAMBER OF COMMERCE	2,500.00
MARSHALL MUNICIPAL UTILITIES	19,582.28
MN DEPT OF TREASURY	7,692.50
MN STATE AUDITOR	2,576.50
RENVILLE COUNTY EMERGENCY MANAGEMENT	40,000.00
SECURE BENEFITS SYSTEMS	5,496.74
SOUTHWEST RIDGE RUNNERS	23,222.70
16 Payments less than \$2000	1,967.13
Final Total:	<u><u>111,791.38</u></u>

Vendor Name	Amount
A & C EXCAVATING AND	10,900.00
QUARNSTROM & DOERING P.A.	5,442.09
24 Payments less than 2000	12,547.71
Final Total:	<u><u>28,889.80</u></u>

Vendor Name	Amount
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ALPHA WIRELESS INC	4,553.71
AMERICAN SOLUTIONS FOR BUSINESS	2,136.22
BUYSSE CONSTRUCTION/CURTIS	4,033.34
CITY OF MINNEOTA	3,174.00
FARMERS COOP ASSN	10,430.02
FARMERS COOPERATIVE ASSOCIATION	5,636.74
FULDA ELECTRIC SERVICE INC	6,570.88
LOCATORS & SUPPLIES INC	2,641.64
LYON COUNTY AUDITOR-TREASURER	4,016.84
MARSHALL TRUCK SALVAGE	2,718.92
METRO COUNCIL ENVIRONMENTAL SERVICES	49,429.19
OLSON & JOHNSON INTERNATIONAL INC	8,745.41
PEART & ASSOCIATES INC	3,821.26
PRAIRIE PRIDE	27,829.70
ROCK COUNTY TRANSFER STATION	8,990.00
ROYAL TIRE INC	4,430.90
SW MN REGIONAL RADIO BOARD	3,070.52
U OF MN REGENTS	16,224.99
VINCO, INC.	50,258.10
WASTE MANAGEMENT	23,002.00
84 Payments less than 2000	31,198.97
Final Total:	272,913.35

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator