

**LYON COUNTY BOARD OF COMMISSIONERS  
APPROVED MINUTES  
COMMISSIONERS ROOM 1 & 2  
LYON COUNTY GOVERNMENT CENTER  
March 19, 2013**

8:30 Closed for Twin Lake Park Property postponed

9:00 a.m. Pledge of Allegiance to the Flag

Present: Commissioners Anderson, Goodenow, Ritter, and Sanow. Also present: County Administrator Stomberg and County Attorney Maes. Absent: Commissioner Stensrud

Approve Agenda;  
Two additions: Vehicles and resignation in Sheriff's department

Ritter motioned to approve the agenda with additions, seconded by Sanow. All voted in favor, motion carried. Identify any Conflict of Interest-Chair Anderson will abstain from the ABL CUP.

Present Per Diems and Expenses

	<b>Mileage</b>	<b>Per Diems</b>
Anderson	\$ 219.22	\$ 150.00
Goodenow	\$	\$
Ritter	\$	\$ 320.00
Stensrud	\$	\$
Sanow	\$ 19.78	\$ 150.00

Consent Agenda:

1. Approve Minutes from 3-5-2013
2. Approve Commissioner Warrants 132820- 132914 dated 03/20/13 in the amount of \$180,584.88
3. Approve Auditor Warrants 132740-132762 dated 03/07/13 in the amount of \$152,542.32; warrants 132774-132819 dated 03/14/13 in the amount of \$552,704.43
4. Approve Per Diems & Expenses

Goodenow motioned to approve the consent agenda items 1-4, seconded by Sanow. All voted in favor, motion carried.

**Grant Will-Extension Coordinator Introduction**

**Mather-Vehicle Purchase**

Review quotes for late model standard sedan for court deputy and 2<sup>nd</sup> jail transport vehicle.

Quotes received:

2012 Chevy Impala LS 10,000 miles for \$14,900-----Lockwoods

2012 Chevy Impala LS 11,269 miles for \$15,145-----Kruse

Sheriff recommends low bid 2012 Chevy Impala LS from Lockwood Motors for \$14,900.00

Sanow motioned to approve the purchase of the 2012 Chevy Impala from Lockwoods Motor for \$14,900 seconded by Ritter. All voted in favor, motion carried.

Mather informed the Board his intention to lease another patrol car from the State of MN. This will mean that the approximately half of the marked patrol cars are leased from the state, and half are owned by the county.

**Accept resignation of Steve Blanchette effective 3/31/2013.**

Request Board authorization to create hire list for Correctional Officer. Officer Blanchette has worked for Lyon County in the Lyon County Jail since December 2004. He has now offered his resignation, effective March 31<sup>st</sup>, 2013. This is a pay grade 5 with an hourly range of \$14.36-\$20.11.

Goodenow motioned to accept resignation of Steve Blanchette effective 3-31-13, seconded by Ritter. All voted in favor, motion carried. Hiring recommendations to replace this position will be presented after Sheriff looks at staffing levels internally in LEC.

**9:20 Jennifer Andries - Historical Society Update**

May 15<sup>th</sup>-16<sup>th</sup> Grand Opening. On the 15<sup>th</sup>, the museum will be open by invitation to members only; such as Commissioners, Township members, city and chamber members, etc. David Grabitske from the MN Historical Society will be the speaker. On May 16<sup>th</sup>, the Museum will be open to the public and will be the first day to establish hours for regular visitors. The first floor is ready and the ice cream shop is almost ready. Main floor is open and exhibits are nearly completed. Camden base exhibit is not yet ready, the Legacy grant of \$5,900 is approved but the start date is not yet established. The end of the summer the basement is scheduled to be finished.

Linda Erb from the Marshall Convention and Visitor's Bureau (MCVB) would like to rent space from the Museum. This has been approved from the MCVB. The lease does state sublease option.

**Goodenow:** I would like to know what the Chamber thinks of the desire of the Marshall Convention and Visitor's Bureau to move. **Sanow:** I think the Chamber and the Visitor's Bureau are like entities and should belong together. **Ritter:** would the lease funds go to County or Historical Society? **Goodenow:** this is not actually worded in the lease. **Sanow:** I think it would be good to check with the city and allow input. This would affect city income.

The approximate time for the Grand Opening will be 10:00am. Regular hours are planned for Tuesday-Friday 10-5, open on Thursday nights, Saturdays 10-4pm.

**9:30-Suhail Kanwar**

Accept Low bid for Design work for Camden Regional Bike Trail project. Also, allow Public Works Director to sign this contract. Grant from DNR will pay for this work.

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<b>MARCH 11, 2013</b>			
<b>ABSTRACT FOR CAMDEN REGIONAL BIKE TRAIL - ENGINEERING SERVICES</b>			
NAME	BID FOR PHASE 1	BID FOR PHASE 2	PHASE 1 & 2 COMBINED
DGR ENGINEERING	\$68,780.00	\$76,640.00	\$143,000.00
BOLLIG, INC	\$104,817.00	\$53,440.00	\$158,257.00
MFRA, INC	\$102,700.00	\$95,300.00	\$198,000.00

Request to approve the low bid Phase 1 and 2 combined. **Goodenow:** has your company done this before? **DGR Representative:** yes, many projects in the area (Minneota, Slayton, Tracy), and has staff living in Marshall, but is an Iowa based company. **Anderson:** can we get a listing of the trails you have worked on? **DGR Representative:** yes, I can do that. In 2011 we constructed the award winning Red Rock River Trail near Dell Rapids, SD. **Anderson:** this will cost about \$21,000 than if we split the bid, but I feel it is worth it. Sanow motioned to accept the combined Phase 1 & 2 bid from DGR Engineering for \$143,000.00, seconded by Goodenow. **Ritter:** we have two Project Engineers in-house, can we do this with our own staff? **Suhail:** we cannot do this, I have checked on this.

All voted in favor, motion carried.

**Introduce** Project Engineer – Jeff Brink

Asst. County Engineer – Aaron Van Moer

General Equipment Operator – Dallas Kerkela

The Board discussed grant amounts and plans regarding Twin Lakes. This will be on the April 2<sup>nd</sup> agenda for Board input.

**9:40- McDonald**

**GIS position description**

Request Board to review and provide input on the GIS position description. If position description meets Board approval, request authorization to advertise, interview and hire Lyon County GIS Manager.

**Anderson:** the position description and salary range are comparable for other counties.

Goodenow moved to accept GIS position description and authorize to advertise, interview and hire Lyon County GIS Manager, seconded by Sanow. All voted in favor, motion carried.

**Summer Help positions**

**2012**

Lyon County is accepting applications for the following seven (7) temporary seasonal positions, approximately 40 hours per week:

- 1 Park,
- 1 Fairgrounds,
- 2 Highway Maintenance,
- 1 Landfill,
- 1 Highway Engineering,
- 1 HHW

and one (1), approximately 20 hours per week, seasonal Park & Fairgrounds position

The county requested 7 last year according to the posting above, but we hired 14 according to payroll. This year per the board packet, we have requested 12 individuals.

**2013**

2 Engineering Interns

1 GIS Intern

1 Environmental intern for HHW

1 FT summer help for landfill (May 15 to October 15)

1 30-hr/week summer help for Fairgrounds (May 15 to October 15)

1 FT summer help for Parks (May 15 to October 15)

1 shared summer help for Fairgrounds and Highway shop

2 FT summer help (May 15 to October 15) for mowing ditches

2 on-call employees (May to October) On-call employees are needed for summer projects.

**PUBLIC WORKS INTERNS/SEASONAL HELP**

DEPARTMENT	2012 REQUEST	2012 EMPL	2013 EMPL	2012 BUDGET AMT	2013 BUDGET AMT
HWY MAINT	2 SEASONAL	2-SEAS, 6 ON CALL	2.5 SEAS, 2 ON CALL	\$50,000.00	\$40,000.00

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HWY ENGR	1 INTERN, 1 SEAS	1	2	\$15,000.00	\$10,000.00
GIS	1 INTERN	1	1	\$4,000.00	\$5,000.00
PARK	1.25 SEASONAL	1	1	\$10,500.00	\$10,500.00
FAIRGROUNDS	1.25 SEASONAL	3	1.5	\$7,013.00	\$7,013.00
LANDFILL	1 SEASONAL	1	1	\$15,000.00	\$5,000.00
HHW	1 SEASONAL	1	1	\$9,000.00	\$5,000.00
TOTAL		16	12		

Per Roger Schroeder: Just to clarify for Parks. Budget is for 1.25 seasonal to work between mid-April to October. If we cannot find someone for that duration, an acceptable alternative would be 2 summer help for 15 weeks.

Sanow motioned to authorize 2013 Seasonal Hire list, seconded by Goodenow. All voted in favor, motion carried.

**Approve Accountant II – AT hire**

Request Board to approve Nancy Thooft as the hire for the internally posted Accountant II position for the Auditor/Treasurer Office. This position is non-exempt at pay grade 9 with an hourly rate of pay between \$18.35- \$25.69. The exact date of this promotional transfer is not yet determined, but approximated the first week of April.

Ritter motioned to approve the hire of Nancy Thooft as an Accountant II at her current hourly pay rate of \$20.69, seconded by Anderson. All voted in favor, motion carried.

**Tech Assistant HR**

Request Board to review and provide input on the Tech Assistant HR position description. If position description meets Board approval, request authorization to advertise, interview and hire Lyon County Tech Assistant HR position. The transfer of Nancy Thooft and county payroll function to the Auditor/Treasurer office will create a vacancy at the front desk in Administration Offices. Nancy Thooft has assisted HR and Administration since April 2011. During this time, HR has significantly expanded personnel software, insurance module implementation, and will begin implementing the CPUI wage module in mid - 2013. Ongoing recruiting, hiring, orientation along with upcoming county insurance development will warrant the need to fill a front line/assistant position within Human Resources and Administration

**Anderson:** I would like to see this HR Assistant take minutes for Planning and Zoning to have consistency with county minutes. **Goodenow:** I'd like to see something in this job description regarding assisting in the VSO office. The Board asked that the HR Assistant record Ditch minutes as well.

Goodenow motioned to approve the HR Assistant position description with additions/changes discussed and changes sent out to Commissioners for final review, seconded by Ritter. All voted in favor, motion carried.

**9:50-STs Brad Odegard**

During period from January 1, 2012 –December 31, 2012 a total of 40 crew members (men, women) completed the STS program. **Ritter:** How much time is remaining on the contract? **Odegard:** it will expire June 30, 2013. The total number of hours completed by crews and specific information is as follows:

State hours-----	352.50
County hours 9 including city, township and school)-----	4,018
Non-profit hours-----	865.5
Federal hours-----	0
Total Hours-----	5,237

Sum of Project Work Hours Completed/rate per hour-----	\$93,802.50
Total dollar value of fines/restitution worked off in lieu of non-collection-----	\$5,431.00

STS presented past and proposed activities and projects with the STS program.

**Anderson:** do you see the state making any changes in funding? **Odegard:** no changes anticipated, but also keep in mind the dollar amount does not reflect the benefits in this program such as promoting excellent work ethic, etc. How does Board want to proceed with finalizing contract? **Stomberg:** we will put this on the agenda and look for Board approval mid-year. The funding is steady with this contract. **Sanow:** The Habitat for Humanity organization (non profit) has been a witness to Tim's good work. This may not appear to be a big benefit to the county, the real benefit for the county is utilizing materials that would have gone into the landfill. This program does an outstanding job. All Commissioners commended the program.

**10:00-10:15-----Break**

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**10:15-Mary Fischer; Southern Prairie Community Care**

Mary Fischer, the Southern Prairie Community Care Executive Director presented the development of the Rural Care Model. Fischer gave a background on her work experience and processes with the 12 County SPCC. Watonwan County is watching and stays involved in SPCC activities, Martin and Faribault will probably decline joining SPCC. Currently, all counties in Region 8 (exception of Pipestone) are in SPCC, along with the following counties in District 6; Swift, Chippewa, Yellow Medicine and Kandiyohi. Currently SPCC is in the process of acquiring cloud based technology to integrate electronic medical records in clinics and hospitals and public sector records. Sandlot is the company that is being interviewed to provide this service. A grant has been received from the Bremer Foundation in January. DHS RFP is underway and responses are due by April 16<sup>th</sup> and SPCC will know if we are awarded by the 8th of May, and begin serving Medicaid and MinnesotaCare recipients in our 12 counties by January of 2014. DHS has discussed Medicare as being a part of Phase II.

There has been a recent request for counties in January to consider payment one third of estimated 2013 county contribution – payable the end of March as gap filler to see if we have been awarded the project and whether we have any CMS grant funding. Phase II planning is underway to see if the elderly (Medicare) may be brought into the model. Lyon County share is \$19,264 (of the 1/3 estimated payment). The 12 counties in SPCC service 25,000 recipients; 180M is total cost of care, including the county local levy contribution.

The Board thanked Fischer on her presentation.

**10:25-Terry Wing-VSO**

Town Hall Meeting – April 18<sup>th</sup> 6:30-8:30pm will host the first annual Veterans Town Hall Meeting. This grant has been awarded to the grant earlier this year along with the Marshall Lyon County Library. Have three speakers and public input will be brought forward, as the public is invited and is encouraged to provide input.

Wing updated the Board on the transportation services. In 2012 provided 71 trips to the VA Hospital in Sioux Falls with an average of 2-4 individuals per trip. There are many regular riders with repeat appointments. Wing noted that Julie Miller's work with this is invaluable. **Goodenow:** have you been able to pick up riders in Pipestone? **Wing:** not at this time.

**Goodenow:** I know other counties would like to work with Lyon County regarding Vet's transportation Services. **Wing:** we are willing to work with this. The Board thanked VSO Wing for the update.

**10:30-10:45 -----Henriksen – accept bids**

**Compact Track Loader**

Accept bid for purchase of the Bobcat T650 Series Compact Track Loader for Environmental/Landfill Department. The Environmental Office accepted bids for the purchase of a Compact Track Loader. Tracy Equipment provided an apparent low bid for a machine that did not meet all of the minimum specifications including net hp, weight limit and high flow hydraulics.

The Environmental Office is recommending the purchase of the Bob Cat Compact Track Loader (T650 Series) for \$54,586.

<u>COMPANY</u>	<u>MODEL</u>	<u>BID AMOUNT</u>
Tracy Equipment	John Deere 3230	\$ 53,650
Swede's Service Center	Bobcat T650	54,586
Sterling Equipment	Gehl RT210	59,842
Titan Machinery	Case TV380	62,500
Ziegler, Inc.	Cat 289C	70,972

Goodenow motioned to purchase the Bobcat from Swede's Service Center in the amount of \$54,586.00, seconded by Ritter. All voted in favor, motion carried.

**ATV/Utility Vehicle**

Accept low quote for purchase of ATV/Utility Vehicle for Environmental/Landfill.

Trailer

<u>COMPANY</u>	<u>MODEL</u>	<u>BID AMOUNT</u>
Swede's Service Center	Bobcat 3400	\$ 8,900.00
Schuneman Equipment	John Deere HPX	10,060.04
Tracy Equipment	John Deere XUV	10,750.00
Action Sports	Polaris Ranger	11,997.00

Sanow motioned to accept the low quote from Swede's Service Center for the Bobcat 3400 at \$8,900, seconded by Ritter. **Sanow:** what are we trading in? **Henriksen:** a gator. All voted in favor, motion carried.

**Trailer**

Accept low quote for purchase of a trailer for Environmental/Landfill.

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<u>COMPANY</u>	<u>MODEL</u>	<u>BID AMOUNT</u>
Boulton Trailer Sales	PJ Trailers T-6	\$5,547
RDO	TowMaster T-12DT	8,000

Goodenow motioned, seconded by Ritter to accept low quote from Boulton Trailer Sales in the amount of \$5,547.00. All voted in favor, motion carried.

**2013 EQUIPMENT BUDGET – ACTUAL COST**

Compact Track Loader	\$54,586.00
ATV/Utility Vehicle	8,900.00
Tilt Bed Trailer	5,547.00
<hr/> TOTAL	<hr/> \$69,033.00
ACTUAL BUDGET AMOUNT	79,000.00

**10:50am John Biren – CUP**

This is the public meeting as the public hearing has already been held.

**Porkpass/ Ben Ludeman**

PORKPASS, LLC MOTION

Sanow moved, seconded by Ritter to grant a Conditional Use Permit to Porkpass, LLC, c/o Ben Ludeman, Tracy, Minnesota 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 Southeast Quarter (SE1/4), Section Eight (8), Monroe Township.

The Proposed Facility to Consist of:

**(new)** Finishing Hogs (3000 x .3 animal factor) = 900 Animal Units

Type of Building:

**(new)** Approximately 102'x240' Finishing 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 = 900 Animal Units

As per recommendation of the Lyon County Planning Commission,

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. Agencies 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. Adopt Findings of Fact as part of Motion.
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: Sanow, Ritter, Goodenow, Anderson

OPPOSED: none

ABSTAINED: none

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ABSENT: Stensrud  
DATED: March 19th, 2013  
All voted in favor, motion carried.

**Loyson Farms/Doug Loyson partial confinement in existing feedlot.**

LOYSON FARMS, MOTION

Goodenow moved, seconded by Sanow to grant a Conditional Use Permit to Loyson Farms, Doug Loyson, 1967 330th Street, Ghent, Minnesota for an existing 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 West One-Half of the Northeast Quarter (W1/2 NE ¼), Section Nine (9), Grandview Township.

The Proposed Facility to Consist of:

Cattle, Beef 995 head x 1 animal factor (995 x 1 animal factor) = 995 Animal Units

Type of Building:

**(new)** Open Lot 65' x 200 with Partial Confinement 68' x 120'

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

The Total Animal Unit Capacity = 995 Animal Units

As per recommendation of the Lyon County Planning Commission and the Grandview 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 applied in accordance to the manure management plan on file.
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. Agencies 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. Adopt Findings of Fact as part of Motion.
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.

Sanow, Ritter, Goodenow, Anderson

OPPOSED: none

ABSTAINED: none

ABSENT: Stensrud

DATED: March 19th, 2013

All voted in favor, motion carried.

**Knochenmus Enterprises-Finishing Confinement/new Feedlot**

Biren: this is a research facility.

KNOCHENMUS ENTERPRISES, LLP MOTION

Anderson moved, seconded by Ritter to grant a Conditional Use Permit to Knochenmus Enterprises, LLP, c/o Robert Falconer, Marshall, Minnesota 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 Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), Section Thirty-two (32), Rock Lake Township.

The Proposed Facility to Consist of:

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

Type of Building:

**(new)** Approximately 101' x 200' Finishing 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

As per recommendation of the Lyon County Planning Commission and the Rock Lake Township Board,

With the following stipulations:

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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. Agencies 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. Adopt Findings of Fact as part of Motion.
14. 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.

Sanow, Ritter, Goodenow, Anderson

OPPOSED: none

ABSTAINED: none

ABSENT: Stensrud

DATED: March 19th, 2013

All voted in favor, motion carried.

Chair Anderson abstained from the ABL CUP process and left the meeting room. Vice Chair Ritter chaired the request from ABL Custom Finishing.

**ABL Custom Finishing – new feedlot/Bernie DeCock**

**Biren:** applicant is willing to apply for an access permit. The current access is questionable as it is in a no passing zone, but this can be made to work. This meets minimum setbacks

Public comment/opposition was heard from Christy Brewers and Ken Busse

**Christy Brewers:** we live directly across from this site. We have written letters and are aware this is legal. This is not saying it's right. Many in the area have suggested this be built on the south side of the road. ABL has many other areas to build that this barn that would not be 1/4 mile from a house. I would have no complaints if the barn was already there, but it's not. I'm requesting that you deny this permit and find a more suitable place. If it were 1/2 mile to the south it would be more acceptable. Adding the safety factor of the no-passing zone along with the location next to my house, I think there are better locations. **Ken Busse:** I agree with Christy, there are other places this could be placed.

Discussion was held on the county statutory and legal feedlot requirements.

**Sanow:** I've received several emails and letters; this is my first feedlot issue. We (Commissioners) took an oath to uphold the statutes and laws of Minnesota and the county. The issues presented today are civil issues and would be presented in civil court. I will support this feedlot realizing there are legitimate reasons against it. Nuisance issues are certainly there, but I cannot deal with issues that haven't happened. I have looked at the land and researched the laws involved. If any laws or statutes are not followed in the future, that would be a civil issue.

**ABL CUSTOM FINISHING MOTION**

Sanow moved, seconded by Goodenow to grant a Conditional Use Permit to ABL Custom Finishing, c/o Bernard DeCock, 3364 State Highway 68, Ghent, Minnesota for a new feedlot and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (I), 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 Southwest Quarter, Section Seventeen (17), Westerheim Township. Land is owned by Francis DeCock, Bernard DeCock and Lyle DeCock.

The Proposed Facility to Consist of:

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

Type of Building:

**(new)** Approximately 101'x192' Finishing 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

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

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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. Agencies 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. Must have County Highway Engineer review access to determine if applicant shall apply for new access permit.
14. Adopt Findings of Fact as part of Motion.
15. 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: Sanow, Goodenow, Ritter

OPPOSED: none

ABSTAINED: Anderson

ABSENT: Stensrud

DATED: March 19, 2013

Motion carried.

**Commissioner Reports**

Anderson: gave an update on the progress of the Auditor/Recorder appointment bill in the legislature.

**Stomberg**: Senator Pappas introduced identical language (other counties Clay, Lake, and Kandiyohi), passed Senate committee and will go to the Senate floor. Companion bill has passed house committee and will go to the floor. It doesn't make the positions appointed, it allows the county board to have the discussion. An open public hearing would be advertised for three weeks and after taking public input the board can make the positions appointed. A 60 day window will be in place to allow constituents can petition the board if they have 10% of the voters to put to a public vote. Assuming there is no petition, it must remain appointed for three years, through county board action it can be reversed and be put back to a public referendum vote.

Ritter: P&Z Board update

Goodenow: SWRD full board meeting update, I request that County Administrator invite Robin to the next Board meeting to present RSVP information. **Ritter**: how many counties are involved in RSVP? **Goodenow**: there are six that are and three that aren't. (Jackson, Lyon, and Pipestone.)

Sanow: CEOB is postponed. Airport Commission update. Amateur Sports Center update. Fair Board update; there will be no carnival at the fair, as a \$20,000 retainer was requested by the carnival contacted. Inflatables are being considered with funding options, such as selling armbands. On the bright side, there will be many activities for younger families and children without much cost. The Board discussed fiscal agency and responsibility with the Fair Board. Sanow gave a Community Transit : Lyon County had 5,345 passengers on county buses, with two active buses and one alternate. The volunteer/medical transport trips were 7,280 for the year...about 20 trips per day, every day in the year.

Anderson: RCRCA update. BWSR meeting update. RCRCA strategic plan update.

**Stomberg**: updated of the progress of title work on Cottonwood property. We have to publish for three consecutive weeks. Looking for this in the last half of April. Bids will be taken in the Attorney's office.

**Moberg**: notified the Board on upcoming petitions of improvement for JD 12 in Yellow Medicine County, dealing with wetland restoration. **Anderson**: Upcoming JD 10 may need another Commissioner appointment.

Ritter motioned to adjourn, seconded by Goodenow. All voted in favor, motion adjourned.

**Upcoming Meetings:**

4/2/13.....Regular Board meeting 9:00am CR 1&2

5/15-16/13.....Lyon County Historical Museum Grand Opening 10:00am

6/18/13.....Board of Equalization 6:30pm CR 1&2

**LYON COUNTY BOARD OF COMMISSIONERS  
APPROVED MINUTES  
COMMISSIONERS ROOM 1 & 2  
LYON COUNTY GOVERNMENT CENTER  
March 19, 2013**

Commissioner Warrants Approved On 3/19/2013 For  
Payment 3/20/2013

<u>Vendor Name</u>	<u>Amount</u>
AMERICAN ENGINEERING TESTING INC	\$ 9,715.58
BOLTON & MENK INC	2,891.00
COTTONWOOD CO-OP OIL COMPANY	3,535.12
DALCO	2,382.24
FARMERS COOP ASSN	16,053.97
FARMERS COOPERATIVE ASSOCIATION	5,563.55
JOHN DEERE FINANCIAL	2,854.34
JOHNSON FEED INC	3,387.11
LYON COUNTY HIGHWAY DEPARTMENT	4,290.70
MARSHALL DECORATING CENTER	2,563.08
NORTH CENTRAL INTERNATIONAL, INC	5,554.65
PRAIRIE PRIDE	25,861.52
RELIANCE TELEPHONE SYSTEMS INC	5,000.00
ROCK COUNTY TRANSFER STATION	6,090.00
SOUTHWEST SANITATION INC	21,389.00
SUMMERFELT FARMS TILING LLC	5,785.63
SUNSOURCE	2,617.48
WASTE MANAGEMENT	23,327.50
WESTMAN FREIGHTLINER	5,971.88
76 Payments less than 2000	25,750.53
	<hr/>
Final Total:	\$ <u><u>180,584.88</u></u>

WARRANTS FOR PUBLICATION

Auditor Warrants Approved On 3/19/2013 For Payment  
3/07/2013

<u>Vendor Name</u>	<u>Amount</u>
ESRI, INC.	\$ 8,932.75
LYON-LINCOLN ELECTRIC COOP INC	3,661.64
MARSHALL AREA CHAMBER OF COMMERCE	3,000.00
MARSHALL LYON COUNTY LIBRARY	10,850.00
MII LIFE - VEBA	13,575.00
SW WC SERVICE COOPERATIVES	107,812.00
17 Payments less than \$2000	4,710.93
	<hr/>
Final Total:	\$ <u><u>152,542.32</u></u>

WARRANTS FOR PUBLICATION

Warrants Approved On 3/19/2013 For Payment 3/14/2013

<u>Vendor Name</u>	<u>Amount</u>
A'VIANDS, LLC	\$ 16,108.44
COMPUTER PROFESSIONALS UNLIMITED INC	4,465.26
MARSHALL MUNICIPAL UTILITIES	18,757.58
MEDICA	2,178.00
MN DEPT OF CORRECTIONS STS	82,739.48
MN DEPT OF TREASURY	6,100.50
MN STATE AUDITOR	2,692.00
OLSON & JOHNSON INTERNATIONAL, INC.	199,677.04
REDWOOD COUNTY SHERIFF	49,235.24
ROCK COUNTY SHERIFF'S OFFICE	21,238.30
RUNCHEY, LOUWAGIE & WELLMAN	2,716.50
SECURE BENEFITS SYSTEMS	5,243.86
SHETEK CONSULTING SVCS LLC	2,672.16
SW WC SERVICE COOPERATIVES	107,427.00

**LYON COUNTY BOARD OF COMMISSIONERS  
APPROVED MINUTES  
COMMISSIONERS ROOM 1 & 2  
LYON COUNTY GOVERNMENT CENTER  
March 19, 2013**

UNITED STATES POSTAL SERVICE-HASLER	20,000.00
31 Payments less than \$2000	11,453.07
 Final Total:	 \$ <u>552,704.43</u>

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Rick Anderson  
Board Chairman

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Attest: Loren Stomberg  
Lyon County Administrator