

**LYON COUNTY BOARD OF COMMISSIONERS**  
**APPROVED MINUTES**  
**April 16, 2013**

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

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

Additions/Corrections: Appoint Board member to the Cottonwood Shop Committee.  
 Change on CD 10: set a public hearing date.  
 Move Commissioner Stensrud's RCRCAs agenda item before closed session.  
 Ritter requested to discuss with Co. Attorney about infringement of right of way, moved to precede Henriksen.

Ritter motioned to approve the agenda with changes, seconded by Goodenow. All voted in favor, motion carried.

Identify any Conflict of Interest- none identified

**Present Per Diems and Expenses**

Anderson	\$ 150	\$ 50.80
Goodenow	\$ 100	\$
Ritter	\$ 100	\$
Stensrud	\$ 240	\$ 105.09
Sanow	\$ 190	\$

**Consent Agenda:**

1. Approve Commissioner Warrants 133097-133208 dated 04/16/13 in the amount of \$176,520.39.
2. Approve Auditor Warrants 133021-133042 dated 04/04/13 in the amount of \$66,938.06; warrants 133043-133044 dated 04/05/13 in the amount of \$175,297.77; warrants 133045-133050 dated 04/08/13 in the amount of \$568.43; warrants 133063-133096 dated 04/11/13 in the amount of \$296,636.58.
3. Approve Per Diems & Expenses

Stensrud motioned to approve the consent agenda, seconded by Goodenow. All voted in favor, motion carried.

**Suhail Kanwar**

**Low Bid for CSAH 10 project**

MNDOT is working on safety improvement plans for CSAH 33 and TH 68 intersection. They are seeking county's review and comments.

Stensrud motioned to accept low bid from Schaeffer Contracting Company for 3M 618,219.28, seconded by Goodenow.

**Sanow:** I have a few questions just because I'm new on the block. Why do we have to have just concrete, why not bid asphalt? **Suhail:** This is a federal aid project, and we need to work on this project ahead of time and I need clear direction from the Board. After cost analysis I recommended concrete to the Board. **Sanow:** I have researched this and with a road with such low travel as this, there is no advantage for a road that gets 250 cars a day and justifies the cost of concrete. It is almost twice as high as asphalt. I want to discuss the best value to the county. There are two asphalt businesses in town with 200-300 employees, these local businesses will benefit as well as property taxes generated to the county. I have a hard time buying the fact that getting business from out of town is good for Marshall. If all of the roads that come before me are concrete, I will I will vote against every one because this is not good for Lyon County. Concrete is more appropriate for high traffic roads.

**Anderson:** I disagree; the asphalt overlay on 59 and 68 was not good. **Sanow:** you are talking about overlays. **Goodenow:** part of the reason we got into cement was the price of oil. There is very little price difference between the two. We also have a cement business in town as well. Different manufacturers bring in their own product. **Sanow:** the outside businesses bring in their own production so local does not benefit. I'd like to look at alternatives and not get stuck in cement.

**Ritter:** can we look at asphalt bids in the future? **Suhail:** with federal project it needs to be designed before bid, which means two designs. **Goodenow:** it would need two different bids if we have the two different design plans. **Sanow:** The only difference in the bid is just the concrete vs. asphalt. Everything else should be the same. **Suhail:** it is a different bidding process. **Stensrud:** this will be a good 10 ton road if this is completed.

Voting in Favor:

Goodenow  
 Anderson  
 Stensrud  
 Ritter

Opposed

Sanow

Motion carried 4-1

**Suhail:** Starting date is May 13<sup>th</sup> and completion is August 9<sup>th</sup>.

**Road and Bridge-Susann/Nick**

Discussion on TH 68 and CSAH 33 intersection safety project. Two maps and options were presented to the Board. Board discussed costs and safety issues with the two options presented.

Plan A: Bypass Lane Option - \$269,674.00  
 Plan B: Left Turnlanes Option - \$608,957.00

**Suhail:** my recommendation is Option B as it provides the most safety.

Goodenow motioned to recommend Plan B on 68 intersection 73 and CSAH 33, seconded by Stensrud. All voted in favor, motion carried.

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**Roger Schroeder-Grandstand structural repair documents**

Quotes were received to produce a structural and architectural repair design, and list of quantities addressing the Lyon County Fairgrounds Grandstand. These documents are necessary to assure Lyon County receives quality repairs according to best specified methods, and allows for a fair bidding process between competing companies.

**COMPANY BID AMOUNT**

I&S Group \$-----\$ 9,750.00 with 6 weeks timeline  
Sandman Consulting, PC -----\$ 23,100.00 with 4 weeks timeline

I &S recommended we do drainage work around the grandstands at a cost of \$500.00 for CE documents.

**Ritter:** we have engineers that can do this. **Stensrud:** doing nothing is not an option. **Anderson/Stensrud:** we decide to repair existing 100 year old structure or build new.

Anderson motioned to accept low quote from I&S Group for \$9,750.00, seconded by Sanow.

**Stomberg:** will there be an engineer's estimate? **Schroeder:** I don't see a reference to an engineers estimate, I don't see anything in the quote, but I will follow up on that. **Ritter:** are the grandstands ramps ADA compliant? **Anderson:** Yes, considering the age of the structure. If we update they would be brought into full compliance.

All voted in favor, motion carried.

**CUP Mark Meulebroeck Feedlot Expansion**

The CUP request is for the expansion of an existing feedlot. Currently there are 450 animal units (feeder cattle) the expansion will be 200 animal units (feeder cattle) for a total of 650 animal units (feeder cattle). The type of building is a mono-sloped cattle barn.

The hearing scheduled for Tuesday April 9, 2013 was postponed to Monday April 15, 2013. Information regarding the planning commission will be provided during the meeting.

**CONDITIONAL USE PERMIT**  
Lyon County, Minnesota

Whereas, the Lyon County Planning Commission has held a public hearing for a Conditional Use Permit for an addition onto an existing mono roof cattle shed on land zoned agricultural as follows:

The East 515 feet of the North 1000 feet of the South Half of the Northeast Quarter (S1/2NE1/4) of the Section Twenty-five (25), Township One Hundred Ten (110) North, Range Forty-Two (42) West of the Fifth P.M..  
State of Minnesota, County of Lyon, Lyons Township

in accordance with and pursuant to the provisions of the Lyon County Zoning Ordinance the establishment, maintenance or conducting of the use for which a Conditional Use Permit sought will not under the circumstances be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the area adjacent to any such use or to the public welfare or injurious to property or improvements in the area adjacent to such use; and

Whereas, the Lyon County Board of Commissioners has designated certain conditions in the granting of such use permit.

Now, therefore, be it resolved by the Lyon County Board of Commissioners that a Conditional Use Permit be granted to Mark Meulebroeck, to establish an addition onto an existing mono roof cattle shed on land zoned agricultural on the premises describe herein subject to the following conditions:

1. See Exhibit A.

STATE OF MINNESOTA)  
)SS COUNTY OF LYON )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of April 2013 by Richard Anderson, Chairman of the Lyon County Board of Commissioners, respectively for Lyon County, Minnesota

Lyon County Planning and Zoning Office  
1424 E. College Drive - Ste 600  
Marshall, MN 56258  
Exhibit A

**MEULEBROECK MOTION**

Ritter moved, seconded by Sanow to grant a Conditional Use Permit to Mark Meulebroeck, 1767 230th Avenue, Balaton, Minnesota, for an addition onto an existing monoslope roof cattle shed and to hear public comment to fulfill Minnesota Session Law 2000

-Minn. Stat. § 11607, subd 7 (1), to add onto an existing monoslope roof cattle shed. The land is zoned agricultural and described as the East 515' pf the North 1000' of the South Half of the Northeast Qtr (S1/2NE1/4) of Section Twenty-Five (25), Township One Hundred Ten (110), North, Range Forty-Two (42) West pf the Fifth P.M. Lyons Township.

Existing Facility Consists of:

Cattle, Beef (450 x 1 animal factor) 450 Animal Units Type of Buildings:

Total Confinement Barn (Monoslope Barn) 100' x 180' Proposed Facility to Consist of:

Cattle, Beef (650 head x 1 animal factor) 650 Animal Units

Type of Buildings:

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Total Confinement Barn (Monoslope Barn) 100' x 180'

**(new) Addition onto existing Monoslope Barn addition to be approximately 100' x 110'** Manure to be applied agronomically complying with manure application setbacks and rates. The Total Animal Unit Capacity = 650 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 being applied in accordance to the manure management plan on file with the MPCA or Lyon County.
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.

1. 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.
  2. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
  3. 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.

VOTING FOR: Rick Anderson, Stephen Ritter, Mark Goodenow, Charles Sanow, Rodney Stensrud

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion passed: Dated 4-16-2013

**Anderson:** I did sit in on the P&Z Board on this project and appreciate the time the Board spent on this decision.

**Recess the Regular Board meeting and convene the Ditch Authority.**

**Request Board to set a Public Hearing Date on Tuesday the 21<sup>st</sup> of May at 1:00pm.**

Stensrud motioned to set May 21<sup>st</sup> at 1:00pm as the date and time for Preliminary Engineer's report on CD10 and give the Board Chair the authority to sign the documents, seconded by Ritter. All voted in favor, motion carried.

Ritter motioned to get additional bond money in the amount of approximately \$10,000 to pay the engineer's work, seconded by Sanow. All voted in favor, motion carried.

**50ft Buffer Enforcement on Protected Waters**

Request Board to authorize staff to send letter to violators of the 50-foot buffer requirement and offer assistance with buffer compliance on protected waters. On Tuesday, March 26<sup>th</sup> the SWCD Board passed a motion to support the 50-foot buffer initiative. We would like to send letters to property owners not in compliance with the 50 foot buffer and give them options with programs. **Jamie Thomason (NRCS):** there are programs that could generate income, CRP for landowners, CSP (Conservation Stewardship Program) for operators only, and of course voluntary options for landowners. **Luke Olson (County Conservation Tech):** the state offers a program for perpetual easement, RIM, native grass or wetland restoration are options. **Biren:** the S&W Board is supporting this and has asked this to be brought to the Board for support. **Goodenow:** the 50ft setback is a state requirement, but you will help them enroll in programs to encourage compliance? **Biren:** yes, rather than coming down with an enforcement, the county can come forth with programs to encourage compliance. **Anderson:** I feel the enforcement and work towards requirement should be on the DNR staff. The DNR is asking the County to be the bad guy to enforce what is regulated by the DNR. This is an issue I have a hard time with. I agree with S&W that this is a good thing. **Sanow:** I don't see anything in this letter that is threatening or imposing, we can have two signatures at the bottom of this letter. This is kind of a service thing that the county provides. **Stensrud:** I agree we provide a service, but I don't think we should be enforcing this. Incentive; yes, but county enforcing this; no. **Sanow:** I think we are doing the right thing by offering this to property owners. **Stensrud:** I agree, an opportunity for compliance only. **Goodenow:** maybe three signatures? **Ritter:** it looks from the letter that we are responsible for the enforcement of this. **Goodenow:** it is our ordinance and we have to have it, even if the ordinance is directed from the DNR. **Ritter:** if it is our ordinance, then we need to enforce it. **Stensrud:** I don't want the county to be cops. **Goodenow:** I think the letter is right, I think S&W, DNR, and the county all sign this letter. **Anderson:** and phone numbers from the other agencies. **Ritter:** perhaps the County Attorney should sign this? **Maes:** this isn't a threatening letter; it is just giving an opportunity for landowners to comply. **DNR:** the county has been enforcing this for some time, but now looking to expand compliance.

Goodenow motioned to approve the draft of the Shoreland Protection letter amended with contact information of all entities and co-sponsors providing services i.e. NRCS and DNR, seconded by Sanow. All voted in favor, motion carried.

**LEC Staffing**

Request board approval to move Cheri Engler from Shift Sergeant, pay grade 10, to the transport/court duty position, which is the Corrections Officer/Jailer pay grade of 5. Ms. Engler currently is at \$22.38/hr, and will fall to 20.39/hour to the top of the Corrections Officer pay range.

Goodenow motioned to move Cheri Engler from pay grade 10 to Corrections Officer/Jailer pay grade 5 at \$20.39, seconded by Stensrud. All voted in favor, motion carried.

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Request Board approval to post internally for 10 days for the Shift Sergeant position. Request board approval to hire Shift Sergeant at the end of the 10 day posting, and move Ms. Engler to transport/court duty position at the beginning of pay period 4-29-13.

Goodenow motioned to approve to post Shift Sergeant internally for 10 days, seconded by Stensrud. All voted in favor, motion carried.

**Quotes for cleaning leachate collection lines**

Quotes were requested from five firms to clean the leachate collection lines. The Phase 9 lines will also require television inspection via camera. The five firms included:

- Superior Jetting-----\$11,530.00
- Hydro-Klein (Sioux Falls)-----no quote
- Veit-----\$19,000.00
- Enviro-Pump-----no quote
- Premium Services (Tracy)-----no quote

Stensrud motioned to hire Superior Jetting for \$11,500 to clean and inspect Phase 9 lines at the landfill, seconded by Ritter. All voted in favor, motion carried.

**Solid Waste Disposal Agreement**

Consider re-issuance of the Landfill Solid Waste Disposal Agreement. In general, the existing Solid Waste Disposal Agreement, for the landfill, will expire when a new Solid Waste Permit is issued. New agreements, with the participating counties, should be obtained to help insure waste flow to the landfill. Enclosed is the draft of the existing contract with a minor change in the tipping fee amount.

Goodenow motioned to approve the Solid Waste Agreement to be sent out for feedback from other Counties, seconded by Ritter. All voted in favor, motion carried.

**Snow removal and right of way infringement.**

**Ritter:** I know this has been discussed by County Engineer, Public Works Director, Superintendent of Highway, and County Engineer.  
**Maes:** The statute requires that snow not left on roadway. Policy states it cannot be pushed across the highway. If Highway Department can push off road and keep the road clear, we are not violating the statute. **Suhail:** the property owner requested clarification about who is responsible, the landowner or the snow pusher. **Anderson:** The County is responsible for right of way.  
**Ritter:** I brought this forward because I want the press/public to know so this ordinance can be brought forward and discussed. Throughout the county, if snow is left on the roadway, maybe the County Attorney can send out a letter stating a state statute is being violated. **Maes:** or a citation in the mail that they are violating state law. **Ritter:** that could be the second warning. **Anderson:** this used to be in the paper, or as public announcement on radio. **Ritter:** So the public can be notified by publication of Board minutes and have reminders on the website and in the papers. **Anderson:** and reminders mid-way through the winter. **Maes:** and letter if violation continues.

**RCRCA JPO proposal for 2014**

**Stensrud:** This is requested for the next three years. We are asked to accept this and all counties involved must accept this for the JPO to move forward. **Anderson:** Area II funding is in limbo right now in the legislature. This is to be designated watershed district.

Ritter motioned for Lyon County to start July 1, 2013 increase allocation RCRCA from \$15,840.00 to \$19,800.00, seconded by Anderson. All voted in favor, motion carried.

Stensrud motioned to approve per diems Area II be paid by the county, seconded by Sanow. All voted in favor, motion carried.

**Cottonwood Shop Committee**

Commissioner Stensrud recommends that Chair Anderson appoint two Commissioners to the newly formed Cottonwood Shop Committee. Chair Anderson appointed Commissioner Stensrud, R&B Superintendent Jim Thomasson, and County Administrator Loren Stomberg to the Cottonwood Shop Committee. Goodenow asked that this new committee be added to the list of committee list of appointments.

Ritter motioned to move to closed session, seconded by Sanow. All voted in favor.

**10:45-11:30-----Closed pursuant MS 13D.05 for 360 Evaluation/Public Works Director**

Ritter motioned to moved out of closed session, seconded by Stensrud. All voted in favor.

Performance was found satisfactory. Commissioner Sanow and Administrator Stomberg are directed to negotiate terms for a re-appointment. A special meeting will be held on April 30, at 8:30am.

AMC in Luverne from 8-12 at the County Club on May 30

**Commissioner Reports**

**Sanow:** The Ag Society Meeting this coming Thursday will be given financial parameters and a fiscal plan from the County. Ritter moved to approve the Fiscal Plan for the Ag Society, seconded by Stensrud. All voted in favor, motion carried.

**Goodenow:** National Library Week

**Ritter:** Marshall Chamber Information Summit update.

**Stensrud:** RCRCA, Area II, Minneota City Council discussion and road alignment project, possible business expansion in Minneota industrial park, Cottonwood Shop Committee and David Hoefler business venture, Cottonwood City Office and Library renovation and funding.

**Anderson:** Extension Meeting update, computer updates, and robotics project, GAIT update, JD3 in YM ditch improvement update.

Goodenow motioned to adjust Commissioner Warrants UofM Ext. Bill to reflect 5,966.66 balance due, seconded by Sanow. All voted in favor, motion carried.

Auditor WARRANTS FOR PUBLICATION		
Warrants Approved On 4/16/2013 For Payment 4/04/2013		

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<u>Vendor Name</u>		Amount
COMPUTER PROFESSIONALS UNLIMITED INC	\$	4,325.26
FLEET SERVICES DIVISION		4,562.96
MARSHALL AREA CHAMBER OF COMMERCE		3,000.00
MN DEPT OF TREASURY		7,153.50
RENVILLE COUNTY EMERGENCY MANAGEMENT		37,128.00
SECURE BENEFITS SYSTEMS		5,243.86
16 Payments less than \$2000		5,524.48
Final Total:	\$	66,938.06
Warrants Approved On 4/16/2013 For Payment 4/05/2013		
<u>Vendor Name</u>		Amount
LYON COUNTY AUDITOR-TREASURER (Prepaid Tax)	\$	175,297.77
Final Total:	\$	175,297.77
Warrants Approved On 4/16/2013 For Payment 4/08/2013		
<u>Vendor Name</u>		Amount
6 Payments less than \$2000	\$	568.43
Final Total:	\$	568.43
Warrants Approved On 4/16/2013 For Payment 4/11/2013		
<u>Vendor Name</u>		Amount
LOCKWOOD MOTORS INC	\$	30,464.88
LYON-LINCOLN ELECTRIC COOP INC		4,600.41
MII LIFE - VEBA		13,255.00
REDWOOD COUNTY SHERIFF		138,720.00
RUNCHEY, LOUWAGIE & WELLMAN		3,163.00
SHOPKO STORES OPERATING CO LLC		2,456.00
SW WC SERVICE COOPERATIVES		96,941.00
27 Payments less than 2000		7,036.29
Final Total:	\$	296,636.58
Commissioner		
Warrants Approved On 4/16/2013 For Payment 4/17/2013		
<u>Vendor Name</u>		Amount
BOLTON & MENK INC	\$	2,573.50
COTTONWOOD CO-OP OIL COMPANY		3,100.50
FARMERS COOP ASSN		13,992.48
GALLS, AN ARAMARK COMPANY LLC		3,290.64
JESERITZ/JON ALDEN		2,152.24
JOHNSON FEED INC		8,692.07
LYON COUNTY AUDITOR-TREASURER		8,584.72
LYON COUNTY HIGHWAY DEPARTMENT		6,093.96
MIDSTATES EQUIPMENT & SUPPLY		31,852.74
MN STATE AUDITOR		2,309.50
MOTOROLA SOLUTIONS, INC.		2,309.92
NORTH CENTRAL INTERNATIONAL, INC		3,806.26
PRAIRIE PRIDE		3,322.12
PROACTION SAFETY & SALES		6,723.28
ROYAL TIRE INC		5,462.80
SOUTHWEST SANITATION INC		21,389.00
U OF MN REGENTS		5,966.66
UNIFORMS UNLIMITED		3,014.78
WESTMAN FREIGHTLINER		4,265.00
93 Payments less than 2000		37,618.22
Final Total:	\$	176,520.39

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Rick Anderson  
Board Chairman

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Attest: Loren Stomberg  
Lyon County Administrator