UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
December 21, 2010

6:30 p.m.- Meeting was called to order by Chairman Stensrud. Members present: Stensrud, Fenske, Ritter, Nelson, Goodenow County Auditor/Treasurer Van Overbeke, Attorney Maes and County Administrator Stomberg.

Pledge of Allegiance to the Flag

	Per Diems	Expenses
Stensrud	$150	$43
Nelson	---------	$19.50
Fenske	$150	$16.50

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

Consent Agenda:
1. Approve Minutes from November 30, 2010
2. Approve Minutes from December 9, 2010
3. Approve Commissioner Warrants 123088-123217 in the amount of $269,350.12 dated 12/22/10.
4. Approve Auditor Warrants 123405-123075 in the amount of $670,234.78 dated 12/16/10 and 123218-123242 in the amount of $11,918.56 dated 12/23/10.
5. Approve Per Diems & Expenses
6. Transfer money from designed building fund
7. Approve on sale/off sale liquor license for Saratoga Archery Club

Ritter moved, seconded by Fenske to approve agenda items 1-5 and 7. All voted in favor.

Ritter moved, seconded by Goodenow to transfer $35,000 from the designated building fund. All voted in favor.

Fenske moved, seconded by Goodenow to approve a resolution in support of the SRDC Regional Trail Plan. All voted in favor. (Resolution 35-10 on file in the County Administrator's Office).

Goodenow moved, seconded by Ritter to approve the abatement for Curt and Jeanette Porter of a portion of the taxes payable in 2010 and credit of a portion of the 2011 taxes on parcels that were destroyed by fire in 2010. All voted in favor.

Fenske moved, seconded by Ritter to approve the abatement for Connie Doom of a portion of the taxes payable in 2010 and credit of a portion of the 2011 taxes on parcels that were destroyed by fire in 2010. All voted in favor.

Nelson moved, seconded by Ritter to deny the request for waiving the penalty. All voted in favor.

Nelson moved, seconded by Fenske to approve and authorize the Chair to sign a resolution appointing a county coroner. Fenske – You have talked to Bill about this? Mather – Yes and he is willing to do this. Fenske – Are you going to come back to us with a recommendation on cost? Mather- My budget right now is $18,000. All voted in favor. (Resolution 36-10 on file in the County Administrator's Office).

Ritter moved, seconded by Nelson to grant a Conditional Use Permit to Kent and Denise Weedman for a feedlot expansion. The land is zoned agricultural and is described as Southeast Quarter (SE1/4), Section 24, Sodus Township.
Existing Facility Consists of: Beef Cattle (200 x 1.0 animal factor) = 200 Animal Units
Swine, Over 300 pounds (38 x .4 animal factor) =15 Animal Units
Type of Buildings:
58'x28' Partial Confinement Barn with Open Lot and 58'x28' Manure Pack on Lot or Floor
52'x30' Partial Confinement Barn with Open Lot and 52'x30' Manure Pack on Lot or Floor
40'x60' Partial Confinement Barn with Open Lot
16'x30' Partial Confinement Barn with Open Lot
Proposed Facility to Consist of: Beef Cattle (200 x 1.0 animal factor)=200 Animal Units
new - Beef Cattle (160 x 1.0 animal factor)= 160 Animal Units
Swine, Over 300 pounds (38 x .4 animal factor) = 15 Animal Units
Type of Buildings:
58'x28' Partial Confinement Barn with Open Lot and 58'x28' Manure Pack on Lot or Floor
52'x30' Partial Confinement Barn with Open Lot and 52'x30' Manure Pack on Lot or Floor
convert to feed storage - 40'x60' Partial Confinement Barn and eliminate Open Lot
convert to feed storage - 16'x30' Partial Confinement Barn and eliminate Open Lot
new - 210'x100' Total Confinement Barn with Manure Pack on Lot or Floor
Manure to be applied agronomically up to two times a year.
The Total Animal Unit Capacity = 375 Animal Units
As per recommendation of the Lyon County Planning Commission and the Sodus 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 this 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.

All voted in favor.

Ritter moved, seconded by Goodenow to designate www.lyonco.org as official website for advertising transportation and other public works projects. Fenske – Is this the only source of where you put a project out for bids? Kanwar – No we put it in the paper and make a good effort to make sure people find out. All voted in favor.

Goodenow moved, seconded by Ritter to approve and authorize the Chair to sign the deficient bridge resolution. Fenske – Is there any priority on this listing? Kanwar – Steve completed it a couple of days ago. I will inspect it. All voted in favor.

Motion by Goodenow seconded by Ritter to amend a Conditional Use Permit to Don DeLanghe filed as Document number 172846 for a feedlot permit (MPCA). Odor OFFSET setback required is 94% from a neighboring dwelling which equals 1334'. The land is zoned agricultural and is described as the East Half of the East Half of the East Half (E1/2E1/2E1/2), Section 31 of Lake Marshall Township. With the following stipulations:

1. The purpose of the manure storage areas is to store the manure from the facility in a manner that is safe to the environment and allows for the proper application of the manure. It is the responsibility of the feedlot owner(s) to insure that the manure storage areas are managed to provide adequate storage. Manure storage must include adequate capacity for the manure production, livestock bedding, runoff from precipitation, and other waste water generated from the feedlot facility. Manure storage shall accommodate for the growing seasons, and adverse manure application seasons. For these reasons the manure storage areas shall be operated in accordance that is complying with Lyon County's Conditional Use Permit(s), Minnesota Rule Chapter 7020, Minnesota Rule Chapter 7007, Minnesota Statute ch 116, the Code of Federal Regulations Title 40 and the facilities' NPDES/SDS CAFO permit.
2. Manure storage areas, includes but is not limited to liquid manure storage basins, manure packs on lots, and offsite temporary and permanent stock piling sites. Manure storage areas must conform to the applicable state rules and statutes and federal code of regulations. These policies rules, regulations and statutes may include but are not limited to water quality standards, erosion control measures, regulations of local and state road authorities, air quality standards, and manure application standards.
3. Manure that is applied in slurry or liquid form must be incorporated or worked into the ground. Exemptions to this requirement would include application of slurry or liquid manure hauled directly from the cattle yards or basins and applied to fallow areas or to perennial crops such as hay or alfalfa during the growing season. The purpose of incorporating the manure or working the manure into the ground is to adequately cover the manure with soil to prevent runoff and to reduce odor emissions. The incorporation or working in of the manure must be completed within twenty four (24) hours of initial manure application. Manure in a solid form must be applied in conformance to the manure application requirements found in Minnesota Rules Chapter 7020 and the facilities' NPDES/SDS CAFO permit. Manure that is hauled or transported on public roads must adhere to the policies or laws of the appropriate road authority.
4. Proper analysis of the manure and soil must be completed. A copy of the results of manure and soil analysis must be made available annually to the Lyon County Zoning Office. Manure shall be applied in accordance to manure management requirements found in the facilities' NPDES/SDS CAFO permit Minnesota Rules 7020.2225 or as amended. Minnesota Rules 7020.2225 includes: manure nutrient testing requirements, nutrient application rate standards, manure management plan requirements, recordkeeping, manure and process wastewater application requirements in special protection areas, manure and process wastewater application for land within 300 feet of open tile intakes, and manure and process wastewater application near sinkholes, mines, quarries, and wells.
5. As defined by Minnesota Rule Chapter 7020, Minnesota Rule Chapter 7007, Minnesota Statute ch 116, and the Code of Federal Regulations Title 40, manure discharge into waters of the state as a result of manure application manure runoff from the feedlot including the manure basins or from offsite manure stockpiles is strictly prohibited. The definition of water of the state is found in Minnesota Rules 7020.0300 Definitions Subp. 26.
6. The development, maintenance, implementation, and annual updating of the facility's Manure and Nutrient Management Plan (MMP) in accordance with the facilities' NPDES/SDS CAFO permit and Minnesota Rules. Require MMP to be prepared and reviewed at least annually by a Minnesota Certified Crop Advisor. Copy of MMP along with annual updates to be give to Lyon County.
7. Record keeping of the two earthen manure storage structures. Records shall be made available for inspection upon request. Purpose of keeping records is to monitor the amount of manure storage capacity used and the amount of manure storage capacity available. Reports of the records must be annually submitted to Lyon County.
8. Earthen manure storage basins to be physically connected in a manner that allows for the free transfer of manure from one earthen basin to the other to meet the requirements of the facilities' NPDES/SDS CAFO Permit.
9. Surface tile intakes must be identified on the fields that are part of MMP. Surface tile intakes (whether maintained or not) must meet all manure application standards, rules, and regulations.
10. No liquid or solid manure application within 100 feet of any lakes, streams, intermittent streams, drainage ditches without protective berms, or uncultivated wetlands.
11. Manure application on saturated ground pursuant to the NPDES/SDS CAFO Permit.
12. Manure application is not allowed if the National Weather Service is predicting a rainfall exceeding 0.5 inches within 24 hours as referenced in the facilities' NPDES/SDS CAFO permit.
13. No Manure application allowed on slopes greater than 4 percent.
14. No manure application allowed on land not meeting conservation plans required by the Farm Service Agency Office (FSA) or other appropriate future farm agency.
15. Notify both MPCA regional feedlot staff and Lyon County feedlot officer 24-48 hours prior to land application of manure applied in a liquid or slurry form. Notification must include what fields will be involved, how much manure will be applied and references to approved MMP.
16. As required by the facilities' NPDES/SDS CAFO permit particularly the emergency response plan component, adequately maintain and make available spill control materials and equipment for response to discharges from any land application sites or manure storage sites.
17. Provide financial assurance for Lyon County to use in the event of a manure release. The financial assurance shall be in the amount of $15,000.00 and shall be in the form of an irrevocable letter of credit or a performance bond for Lyon County to use as needed.
18. In addition to reporting spills or releases to the Minnesota Duty Officer the feedlot owner must also report spills or releases to waters of the state to Lyon County immediately.
19. Adopt Findings of Fact as part of this Motion.
20. A copy of this motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by Don DeLanghe for the actual costs incurred by the county for the recording fee.

All voted in favor.

Goodenow moved, seconded by Ritter to cancel and vacate the previous order that was revoked. All voted in favor.

Goodenow moved, seconded by Fenske to approve the following 2011 appropriations. Fenske – What is the total? Stomberg – It would be a reduction of $28,539.

MEMORIAL DAY	$2,000
COUNTY/CITY LIBRARY	$234,807
SW MN ARTS & HUMANITIES	$2,000
HISTORICAL SOCIETY	$26,000
AG SOCIETY	$12,500
SW MN ENERGY TASK FORCE	$3,000
R C & D	$300
SOIL & WATER CONSV DIST APPROPRIATION	$87,500
AREA II APPROPRIATION	$20,341
RCRCA APPROPRIATION	$15,840
ECON DEV-SMALL BSNS ADMIN	$10,000
ECON DEV-WORKFORCE COUNCIL APPROPRIATION	$4,155
LYON CO ENTERPRISE DEV APPROPRIATION	$24,000
MAFAC	$2,000

Voting in Favor: Stensrud, Goodenow, Fenske
Opposed: Ritter, Nelson
Motion carried 3 to 2.

Goodenow moved, seconded by Fenske to fund the $18,000 out of the economic development fund to the Marshall Chamber of Commerce. Fenske – The lobbyist did his job, the Senator got it in the bill. Ritter – I think we need to wait until we are going to lose program aid. Fenske – I think we could wait on this until we get further request.
Voting in Favor: Goodenow, Fenske
Opposed: Nelson, Ritter, Stensrud
Motion failed 3 to 2.

Ritter moved to instruct the county administrator to work with department heads to reduce the budget by 1%. Stensrud called for a second three times. Motion failed for lack of a second.

Goodenow moved, seconded by Fenske to approve the budget as presented and set the levy at $12,164,341.

Voting in Favor: Goodenow, Fenske, Stensrud, Nelson
Opposed:Ritter
Motion carried 4 to 1.

Ritter moved, seconded by Goodenow to authorize filling the Highway Department mechanic position under policy 3100 Recruitment and Selection Section E (2). All voted in favor.

Goodenow moved, seconded by Nelson to create the Human Resource Director position and authorize filling the position under policy 3100 – Recruitment and Selection Section D (2). All voted in favor.

Goodenow moved, seconded by Fenske to approve the policy changes as presented to modify county policy 3250-1 to limit the amount of sick leave available through the Sick Leave Bank to 60 days in any rolling 12 month period up to a lifetime maximum of 90 days and 3246-6 Family Medical Leave to change from a calendar year to a rolling 12 month period to coincide with the Sick Leave Bank, and to have the modifications effective January 1, 2011. Ritter – I appreciate the people that work for the county putting all the time into this. It would be nice to see them come back to the County Board with ways to save money for the tax payers. All voted in favor.

Goodenow moved, seconded by Ritter to set the first Board meeting of the month for the morning and the second meeting for the evening. Fenske – We have tried this before and it failed. It doesn't get anymore. Ritter – I have had positive comments.

Voting in Favor: Ritter, Goodenow
Opposed: Nelson, Fenske, Stensrud
Motion failed 3 to 2.

Fenske moved, seconded by Nelson approve and authorize the Chair to sign a resolution to set the 2011 Board Meetings for 9:00 a.m. on the first and third Tuesday of the Month except for the first Thursday in December. Goodenow – It dictates who is on the Board to some extent. Nelson – In my observation the people that want to be here are here. You just saw the press leave to meet their deadline.
Voting in Favor: Fenske, Nelson, Stensrud
Opposed:Ritter, Goodenow
Motion carried 3 to 2.

Nelson moved, seconded by Fenske to appoint Mona Hammer as the Recorder and Registrar of Deeds on December 30, 2010.
Voting in Favor: Nelson, Fenske, Stensrud
Opposed: Ritter, Goodenow

Ritter moved, seconded by Nelson to freeze all salaries for 2011. Goodenow – I am not in favor of freezing the merit system. I think it puts the merit where it needs to be. I think it needs to stay in place and we need some credibility to the system. Nelson – I don't know where you are at. Goodenow – I am at a freeze for the elected and maybe the department heads. I think that is different than freezing it for everyone.

Voting in favor: Ritter
Opposed:Nelson, Fenske, Stensrud, Goodenow
Motion failed 4 to 1.

Hammer – As in the past when setting salaries I ask you to take into consideration the number of years that I have in the office. Fenske moved, seconded by Nelson to set Mona Hammer's salary at $54,500.
Voting in favor: Goodenow, Nelson, Fenske, Stensrud
Opposed: Ritter

Stensrud moved, seconded by Fenske to go ahead with the merit system across the board as presented in the budget. Ritter – Please read back the motion. So this is for everyone?
Voting in favor: Goodenow, Fenske, Stensrud
Opposed: Ritter, Nelson
Motion carried 3 to 2.

	2010 Salary	2011 Salary
Rick Maes County Attorney	$93,940.08	$97,700.00
Paula VanOverbeke Auditor/Treasurer	$78,250.12	$80,044.00
Mark Mather Sheriff	$78,790.14	$82,740.00

Fenske moved, seconded by Goodenow to approve and authorize the Chair to sign a resolution setting the 2011 per diems. All voted in favor.
9:38 p.m. Stensrud adjourned the meeting.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator