June 26, 2012

UNOFFICIAL MINUTES-SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER,
MARSHALL, MN
April 3, 2012

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

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

	Per Diems	Expenses
Anderson	$150.00	$ 78.81
Fenske	$100.00	$ 57.17
Ritter	$460.00	$466.77
Stensrud	$ 50.00	$ 71.04

Consent Agenda:
Approve Minutes from March 20, 2012
Approve Commissioner Warrants 128715-128787 in the amount of $145,827.49 dated 4-4-12.
Approve Auditor Warrants 128667-128691 in the amount of $76,238.10 dated 3-22-12 and 128695-128113 in the amount of $92,777.04 dated 3-29-12.
Approve Per Diems & Expenses
Contribution to purchase a Trimble R8 survey-grade GPS receiver
Authorize advertising for bids – aggregate processing
Authorize advertising for bids – bituminous materials
Authorize advertising for bids – bituminous patching materials

Ritter moved, seconded by Stensrud to approve consent agenda items 1-4 and 6-8. All voted in favor.
Ritter moved, seconded by Stensrud to allocate $11,000 out of the Recorder's fund to purchase the GPS receiver. All voted in favor.
Goodenow moved seconded by Anderson to approve and authorize the Chair to sign a boat and water safety grant in the amount of $1,133.00. All voted in favor.
Stensrud moved, seconded by Anderson to approve taking quotes for cleaning 15,000 feet of County Ditch 18. All voted in favor.
Stensrud moved, seconded by Lon Walling to nominate Rick Anderson, Rodney Stensrud, Robert Fenske, Lon Walling and John Schueller to the JD 12 Branch 1 L & R. All voted in favor.
A meeting to accept the outlet petition for JD 12 Branch 1 L & R was set for 2:30 p.m. for April 17, 2012 in CR 1 & 2.
Ritter moved, seconded by Stensrud to reject the bids. All voted in favor.
Anderson moved, seconded by Stensrud to authorize the Highway Department to re-advertise for a truck the same as last time. All voted in favor.
Goodenow moved, seconded by Stensrud to take quotes to replace the grandstand roof at the Lyon County fairgrounds. All voted in favor.
Stensrud moved, seconded by Ritter to approve and authorize the Chair to sign an SAIC contract. All voted in favor.
Stensrud moved, seconded by Ritter to accept HR Director Aurora Heard's resignation effective April 20, 2012. All voted in favor.
Anderson moved, seconded by Stensrud to authorize filling the human resources position. All voted in favor.
Stensrud moved, seconded by Ritter to authorize the Administrator to sign three utility easements along county property on 6th street. All voted in favor.
11:24 a.m. Ritter moved, seconded by Anderson to go into closed Meeting for government center security. All voted in favor.
12:00 p.m. Ritter moved, seconded by Stensrud to come out of closed session. All voted in favor.

Vendor Name	**Amount**
CPS TECHNOLOGY SOLUTIONS INC	2,136.00
GREAT PLAINS NATURAL GAS CO	5,115.62
LYON COUNTY AUDITOR-TREASURER	69,635.48
MARSHALL AREA CHAMBER OF COMMERCE	2,500.00
MARSHALL MUNICIPAL UTILITIES	4,291.46
STONEBERG, GILES & STROUP P.A.	2,925.00
13 Payments less than 2000	
6,173.48	
Final Total:	92,777.04

Vendor Name	**Amount**
DIEBOLD LAW FIRM	2,775.50
LOCKWOOD MOTORS INC	39,283.00
MII LIFE - VEBA	12,730.00
RUNCHEY, LOUWAGIE & WELLMAN	4,198.40
SECURE BENEFITS SYSTEMS	5,496.74
20 Payments less than 2000	
11,754.46	
Final Total:	76,238.10

Vendor Name	**Amount**
BARKER COMPANY, INC/BOB	$2,553.66
CARLSON/JOEL	$2,500.00
FIDLAR TECHNOLOGIES, INC.	$4,262.18
FLEET SERVICES DIVISION	$6,060.17
FLOOR TO CEILING	$4,404.56
HEWLETT-PACKARD COMPANY	$2,446.77
MIDSTATES EQUIPMENT & SUPPLY	$31,366.15
POWERPLAN---RDO EQUIPMENT INC	$29,897.97
PRAIRIE PRIDE	$32,717.73
UNIFORMS UNLIMITED	$2,315.48
WEST CENTRAL SANITATION INC	$4,417.55
Payments less than 2000; 62	$22,885.27
Final Total:	$145,827.49

Robert Fenske, Chairman
Attest: Loren Stomberg
Lyon County Administrator

UNOFFICIAL MINUTES-SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
April 17, 2012

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

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

	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:
Approve Minutes from April 3, 2012
Approve Commissioner Warrants 128851-128954 in the amount of $271,913.35 dated 4-18-12.
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
Approve Per Diems & Expenses
Authorize advertising for bids: S.A.P. 42-631-02
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

Goodenow moved, seconded by Anderson to approve consent agenda items 1 and items 3-6. All voted in favor.
Goodenow moved, seconded by Ritter to approve consent agenda item number 2. All voted in favor.
Goodenow moved, seconded by Anderson to approve and authorize the Chair to sign a resolution with the GASB 54 fund balances for 2011. All voted in favor.
Goodenow moved, seconded by Stensrud to approve the following second quarter appropriations. All voted in favor.
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.
Goodenow moved, seconded by Stensrud to approve the Employee Right to Know policy. All voted in favor.
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.
Goodenow moved, seconded by Stensrud to approve and authorize bids based on the draft recycling bid and contract. All voted in favor.
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.

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:
That the applicant undertakes the project according to the plans and specifications submitted to the county with the application.
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.)
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.
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.
Manure being hauled on public roads must adhere to policies of the particular road authority involved.
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.
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.)
The offset model must indicate 94% annoyance odor free. Any odor control technologies used in the offset model must be in place and maintained.
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.
Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
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.
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.
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.
12. 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.
13. 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.
14. Inspection port located on perimeter tile of new confinement barn and inform Planning and Zoning of test results.
15. 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.
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.
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,
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.
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:	111,791.38

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:	28,889.80

Vendor Name	**Amount**
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