

**UNOFFICIAL MINUTES - SUBJECT TO CORRECTIONS**  
LYON COUNTY BOARD OF COMMISSIONERS  
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN  
January 22, 2008

9:00 AM - Meeting called to order by Chairman Goodenow. Members present: Fenske, Ritter, Goodenow, Nelson, Stensrud, and County Administrator Stomberg, and Auditor/Treasurer Van Overbeke.

Absent: Attorney Maes

Pledge of Allegiance to the Flag.

**Approve Agenda**

Stensrud moved, seconded by Ritter to approve the agenda with the following additions:

- Add Pay Equity Report under Stomberg's time
- Consider Resolution in support of Southwest Regional Sports Center

All voted in favor.

The following per diems and expenses were presented:

	Per Diem	Expense
Fenske	\$150	
Goodenow	\$150	\$46.46
Nelson	\$100	\$39.40
Ritter	\$150	

**Consent Agenda**

1. Approve Minutes from January 8, 2008.
2. Approve Commissioner Warrants 110680 to 110792 in the amount of \$176,350.12 dated 1/23/08.
3. Approve Auditor Warrants 110634 to 110665 in the amount of \$235,697.65 dated 1/17/08 and 110605 to 110633 in the amount of \$1,055,777.41 dated 1/10/08.
4. Approve Per Diems & Expenses
5. Consider Final Payment SAP 42-599-136 and 42-599-138.

Nelson – Pull number 5 from the Consent Agenda. Nelson moved, seconded by Fenske to approve Consent Agenda Items 1 – 4 with corrections to the Minutes. All voted in favor.

Nelson – On number 5 I thought a motion should be made and authorize the Chair to sign. Nelson moved, seconded by Stensrud to approve final payment for SAP 42-599-136 in the amount of \$8,946.78 to Midwest Contracting and authorize the Chair to sign the County Board Acknowledgement Form. All voted in favor.

**Contracts and Resolutions**

Goodenow – We are doing two things here. One is a letter of support and one is recognition. Nelson moved, seconded by Stensrud to approve a letter of support and authorize the Chair to sign for the trail along Barstad Road. All voted in favor.

Nelson moved, seconded by Ritter to authorize the Chair to sign the certification section of application for the bike/pedestrian trail. All voted in favor.

**Elaine Snyder – Landfill**

Snyder – When the permit was transferred there were different rules regarding daily cover when Bill and I owned it. Enclosed is a data practices act when I asked Paul Henriksen about the keys. Goodenow – The locks have been changed more than once. Snyder- I enclosed minutes from January 4, 2000. Goodenow – We have talked about keys. Snyder – When was the last time you addressed the key issue? Can you ask who had key access at the January 4 meeting? I want to know who he responded to. Goodenow – Do you know who had access? Henriksen – I don't remember. Snyder – In 2002 Currie Sanitation and Waste Management had keys. If stuff came in did the County track revenue? Isn't this a concern? Why were keys given? Goodenow – We will check again. I think we checked in 95 – 96 and 2000. It has been an ongoing concern. Snyder – I have gotten all of the audits. I know there was a company that did not have many charges but billings skyrocketed. Discussion.

**Wind Energy Conversion Systems Public Hearing**

Biren – 21.6 F is a new statute a new authority given to counties. The county delegates on projects up to 25 megawatts. There was some public comment. I am going to go through the definitions. I cleaned up the definitions a little bit. Looking at 1000 feet of setback from neighboring dwellings. We want to stay on top of the road maintenance issue. I don't feel 100% comfortable with the decommission agreement. Nelson – Does the state have to honor your

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standards? Biren – In addition 21.6 allows counties to adopt more stringent standards into considerations. It gave me the flavor that they have to come up with a reason if they do not. Biren – Scott Riddlemoser, who is in the audience has a suggestion, currently the bottom of blade is 12 feet from the ground he suggests 30 feet like in Martin County. Fenske – How far are the ones now? Biren – 142 feet. Our ordinance also permits home owned. Goodenow – It is a public hearing if anyone has any comments. Scott Riddlemoser – One addition on spacing I would like to see changed is 21.3 the definition for property line. There is a Minnesota real estate definition. I would like to see it align itself with PUC. Applicants or permittees site control from line. We are trying to describe site control. I would strike property line and put in permittee or applicant. Biren- My only comment is the likelihood that property will exchange hands. Discussion. Stensrud – Is there a dollar amount on discontentment after 20 years? Biren – It could be renewed but it would revert back to the landowner. Stensrud – So that person would be responsible for taking it down. There should be some more protection. Riddlemoser – On the PUC application there are some guidelines for decommission. Goodenow closed the public hearing.

Nelson moved, seconded by Ritter to adopt the ordinance revisions to Article 21, Wind Energy Conversion Systems (WECS) as presented with an effective date to be March 1, 2008.

All voted in favor.

**Doug Laleman CUP**

Biren – This is for a feedlot expansion north of Green Valley. There was no opposition. There was a letter of support from Fairview Township. Fenske moved, seconded by Stensrud to grant a Conditional Use Permit to Doug Laleman, 3310 Highway 23, Marshall, Minnesota, for a Conditional Use Permit request 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. The land is zoned agricultural. The land is being purchased on a contract for deed from Lorraine (Bossuyt) and Cletus Lanners and described as the south 80 acres of all that part of the Southwest Quarter (SW1/4), Section 2, Fairview Township. As per recommendation of the Lyon County Planning Commission and the Fairview Township Board.

Existing Facility Consists of:

Beef Cattle, Slaughter (300 x 1.0 animal factor) = 300 Animal Units

Types of Buildings:

35'x80' Partial Confinement Barn and Open Lot

110'x95' Partial Confinement Barn with 60'x140' and 140'x90' Open Lot

The Proposed Facility Consist of:

Beef Cattle, Slaughter (300 x 1.0 animal factor) = 300 Animal Units

(new) Beef Cattle, Slaughter (350 x 1.0 animal factor) = 350 Animal Units

Types of Buildings:

(new) 300'x110' Total Confinement Barn

(convert) 35'x80' Partial Confinement Barn and Open Lot

to a Temporary Holding Pen and Open Lot

(convert) 110'x95' Partial Confinement Barn to a Commodity Shed

(eliminate) 60'x140' and 140'x90' Open Lot

Manure to be applied agronomically to crop ground when necessary.

The Total Animal Unit Capacity = 650 Animal Units

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.

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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.

**John Mohn – Prairie Wild Enterprises**

Mohn – In 2003 we talked about a new building and we looked into Job Zone and we could do it after swapping from one side to another. The total lot is 5.8 acres and 4.9 is in the job zone. I'm not asking to go back to 2003 but could we go back to 2007? Goodenow – Does it go back to where we got the wrong description somewhere? Mohn- The tax ID number needed to be changed. Goodenow – This one the description was wrong. Nelson – What is the duration of JobZ? Mohn – I think it goes for 12 or 15 years. Discussion. Stensrud moved, seconded by Ritter to abate portion attributable to JobZ for taxes payable in 2007. All voted in favor.

10:22 Break

10:30 Meeting Called Back to Order

**Mental Health Transports RFP**

Chris Sorenson – I am here to give you an update on the Mental Health Transport RFP. We had one response to the RFP. In 2007, there were 147 transports of which 14 were not Lyon County residents. The average transport time is about 4 hours. Worthington will no longer be doing a 45 day contract and the state is working with Willmar to build a 16 bed facility. This was sent over to the hospital and the basic questions have been answered. Some questions may be on the edge of circumstance. I think we have a fee system in place to be able to bill. We have an established fee system for detoxification. Discussion. Fenske – If Human Services would bill it would relieve our Sheriff. Goodenow – It looks like Western Community Action would have a lot of flexibility. They could hire other off duty officers. Sorenson – There are some up front costs to consider such as a vehicle. Also they would like to work with Dispatch to initiate a call list. Discussion. Dahl - From August 2006 to December 2006 there were 51 transports. From August 2007 to December 2007 there were 28. As of today we had two and they were from the hospital to court. I think having the Health Unit here in Marshall has decreased the numbers. Discussion. Ritter – This is a good starting point to try. Discussion. Nelson – As far as vehicles if it is a squad car or county car it is still a county expense. Dahl – Because of the Powers and Duties Act they couldn't use a Sheriff's vehicle because they are marked. We would be willing to field calls after hours if they provided us a list. Discussion. Ritter – What about a timeline? I didn't see one in the RFP. I think a year is good if we can do it that way. Fenske – Thank you Chris you did a good job and we appreciate you moving this forward.

**Amend Fee Schedule for 2008**

Dahl – One item on the RBA I put \$5.00 and it should be \$10.00. Fenske moved, seconded by Ritter to amend the 2008 Sheriff's Fee Schedule by removing the digital photo fee of \$20.00 and replace it with a \$10.00 charge for any Audio/Video copy. All voted in favor.

Dahl – I received a call from the DNR and the Board could adopt a resolution or designation allowing the Sheriff to issue burn permits. Also I included a letter recognizing Deputies Rolling, DeSutter and Hasch for work they did. Fenske moved, seconded by Nelson to send a letter of accommodation to Deputies Rolling, DeSutter and Hasch and Dispatcher Tammy Isaackson. All voted in favor.

**Local Option Abatement**

VanOverbeke – I have a request for an abatement. This is the second year in a row and it is due to a fire. Stensrud moved, seconded by Nelson to approve the local option abatement for the taxes payable in 2007 in the amount of \$3,142.

Voting For: Stensrud, Nelson, Fenske, Goodenow

Abstained: Ritter

Motion carried.

**Weekend/Holiday Pay**

Stomberg – Currently on weekends we have one maintenance person on call. The staff would like an increase of \$25.00 per weekend and to increase the comp time to 3 hours. Ritter moved, seconded by Fenske to adjust the compensation for building maintenance staff performing weekend and holiday inspections to \$75.00 per weekend and 3 hours of comp time per holiday. Ritter – Do they check Public Works? Stomberg – Yes. All voted in favor.

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**Pay Equity / Compliance Report**

Stomberg – We need the pay equity report approved by the Board and authorize the Chair to sign the report. Nelson moved, seconded by Ritter to approve the 2007 Pay Equity Report and authorize the Chair to sign it. All voted in favor.

**Southwest Regional Sports Center**

Ritter – The resolution would designate Marshall as the Southwest Regional Sports Center. Fenske moved, seconded by Stensrud to approve the Minnesota Southwest Regional Sports Center Resolution and authorize Steve Ritter to sign the resolution. Ritter – Does anyone have any questions? This is not obligating the county to any dollars. All voted in favor.

**Commissioners Business**

Nelson reported on Area 2, Planning and Zoning and Land Use and Environmental. Nelson – MR B will meet on January 28 in Montevideo.

Fenske reported on the Airport Commissioner and Transit Advisory. Fenske – The Chamber of Commerce is supporting a 5 cent gas tax increase and looking at depreciation of vehicle tabs. Also proposing trunk highway bonding and dedicating of motor vehicle sales tax on leased vehicles.

Ritter reported on the Park Board and Human Services. Ritter – We are close to finalizing the Water Plan and we are looking at goals with Twin Lakes.

Goodenow reported on the Library and Sammy Board. Advance’s annual meeting is next Monday.

**Committee Appointments**

Goodenow made the following Citizen and Commissioner Board appointments:

<b>Board</b>	<b>Appointee</b>	<b>Term Length</b>	<b>Appointed</b>	<b>End of Term</b>
<b>Extension Committee</b>	Jenna Peutz	3 yrs	1/22/2008	Jan-11
	Mark Goodenow	3 yrs	1/22/2008	Jan-11
<b>Library Board</b>	Mark Goodenow	1 yr	1/22/2008	Jan-09
	Al Kruse	3 yrs	1/22/2008	Jan-11
	Nancy Seiler	3 yrs	1/22/2008	Jan-11
<b>Library System - Plum Creek</b>	Mark Goodenow	1 yr	1/22/2008	Jan-09
<b>Area II Water Project</b>	Phil Nelson	1 yr	1/22/2008	Jan-09
<b>alternate</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
<b>LLM&amp;P Public Health</b>	Rodney Stensrud	3 yrs	1/22/2008	Jan-11
	Scott Riddlemoser	3 yrs	1/22/2008	Jan-11
<b>DAC</b>	Mark Goodenow	3 yrs	1/22/2008	Jan-11
<b>Lyon County Alliance</b>	Steve Ritter	1 yr	1/22/2008	Jan-09
<b>Law Library</b>	Mark Goodenow	1 yr	1/22/2008	Jan-09
<b>Library Board - Jt Powers</b>	Mark Goodenow	1 yr	1/22/2008	Jan-09
	Steve Ritter	1 yr	1/22/2008	Jan-09
<b>Park and Recreation Board</b>	Robert Richards	3 yr	1/22/2008	Jan-11
	Tom Meulebroeck	3 yr	1/22/2008	Jan-11
	Mark Goodenow	3 yr	1/22/2008	Jan-11
<b>Water Plan Advisory Committee</b>	Phil Nelson	1 yr	1/22/2008	Jan-09
	Mark Goodenow	1 yr	1/22/2008	Jan-09
	Otto Nyquist	1 yr	1/22/2008	Jan-09
	Tim Buysse	1 yr	1/22/2008	Jan-09
	Harlan Manguson	1 yr	1/22/2008	Jan-09
	Chauncey Muedeking	1 yr	1/22/2008	Jan-09
<b>Planning and Zoning</b>	Steve Ritter	3 yr	1/22/2008	Feb-11
	Sander Ludeman	3 yr	1/22/2008	Feb-11
	Debbie Thooft	3 yr	1/522/2008	Feb-11
<b>Regional Landfill Board</b>	Steve Ritter	1 yr	1/22/2008	Jan-09
<b>alternate</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
<b>Safety Committee</b>	Steve Ritter	1 yr	1/22/2008	Jan-09
<b>SW Regional Solid Waste Comm.</b>	Steve Ritter	1 yr	1/22/2008	Jan-09
<b>alternate</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
<b>SW Regional Dev. Comm.</b>	Bob Fenske	1 yr	1/22/2008	Jan-09
<b>RCRCA</b>	Phil Nelson	1 yr	1/22/2008	Jan-09

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<b>alternate</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
<b>Human Services Board</b>	Steve Ritter	1 yr	1/22/2008	Jan-09
	Robert Fenske	1 yr	1/22/2008	Jan-09
<b>WCA Transportation Advisory</b>	Bob Fenske	1 yr	1/22/2008	Jan-09
<b>Yellow Medicine River Watershed</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
<b>Joint LEC Management Board</b>	Steve Ritter		1/22/2008	Indefinite
	Phil Nelson		1/22/2008	Indefinite
<b>County Policy Advisory Committee</b>	Bob Fenske	1 yr	1/22/2008	Jan-09
	Board Chair (Goodenow)			
<b>SWCD Board (ex-officio)</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
<b>Rural Energy Task Force</b>	Bob Fenske			Indefinite
<b>alternate</b>	Rodney Stensrud			Indefinite
<b>Union Labor-Mgmt Committee</b>	Bob Fenske		1/22/2008	Indefinite
	Steve Ritter		1/22/2008	Indefinite
<b>Resource Conservation &amp; Development</b>	Rodney Stensrud		1/22/2008	Indefinite
<b>alternate</b>	Phil Nelson		1/22/2008	Indefinite
<b>IEIC - SW/WC Service Coop</b>	Rodney Stensrud		1/22/2008	Indefinite
<b>Land Use &amp; Environment Adv. Task Force</b>	Phil Nelson			Indefinite
<b>Lyon County Ice Facility Board</b>	Bob Fenske			Indefinite
<b>PrairieNET WAN</b>	Goodenow	1 yr	1/22/2008	Jan-09
<b>alternate</b>	Rodney Stensrud	1 yr	1/22/2008	Jan-09
	Loren Stomberg		2/6/2007	Indefinite
<b>Regional Radio Board</b>	Rodney Stensrud		1/22/2008	Indefinite
<b>alternate</b>	Phil Nelson		1/22/2008	Indefinite
<b>Minnesota River Board (MRB)</b>	Phil Nelson		1/22/2008	Indefinite

Ritter moved, seconded by Nelson to adjourn until February 5, 2008 at 9:00 am.

All voted in favor.

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 Mark S. Goodenow, Chairman

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 Attest: Loren Stomberg  
 Lyon County Administrator