

**Yellow Medicine County Board Meeting Minutes
October 14, 2008**

Chairman Louis Sherlin called this regular meeting of the Yellow Medicine County Board to order at 9:00 a.m. with Commissioners Louis Sherlin, Gary Johnson, Jane Remiger, Dick Wambeke and Ron Antony present. Also present were County Administrator Ryan Krosch, Granite Falls Advocate Tribune reporter Scott Tedrick and Marshall Independent reporter Robert Wolfington.

Approve Agenda 10-14-08-01 Motion by Commissioner Johnson and second by Commissioner Wambeke to approve the agenda with the following changes: add Alan Berends property and County Museum energy audit to Other Business. Motion carried with all voting in favor.

Consent Agenda 10-14-08-02 Motion by Commissioner Remiger and second by Commissioner Antony to approve the consent agenda items as follows: minutes of the September 23, 2008, County Board meeting; joint powers agreement for election recount services; MN Counties Computer Coop (MCCC) Joint Powers Agreement and an amendment to the agreement; appointment of the County Attorney as the MCCC board delegate and the Assistant County Attorneys as the alternate MCCC board delegates; budget amendments totaling \$105,000 in revenue and \$105,000 in expenses; budget reallocations totaling \$5,000 in revenues and \$5,000 in expenses; permanent transfer of \$5,000 from the Human Service Fund to the Revenue Fund for a Family Unity Circle Pilot Project; purchase of service agreement with Doug Parsons to do CAMA in 2009; additions to the Pioneerland Library System Joint Powers Agreement; appointment of Avis Freitag as Restorative Justice temporary part-time administrative secretary. Motion carried with all voting in favor.

Citizen Comments: None

Commissioner Reports:

Commissioner Sherlin reported on Area II and Western Mental Health. Commissioner Johnson reported on the Safe Communities Coalition, Prairie Waters, SWCD, Prairie 5 and 6W Corrections. Commissioner Remiger reported on Countryside Public Health and CAPX 2020. Commissioner Wambeke reported on the Safe Communities Coalition, CAPX 2020 and the County HRA. Commissioner Antony reported on 6W Corrections.

Department Reports:

County Recorder Kay Zempel presented the 2007 recording compliance report required by M.S. 357.182 for the Recorder's Unallocated Fund. The average document processing and return days for 2007 was 7.15 days. Recorder Zempel also reported on the MN Official Marriage System and other Recorder's Office projects and services.

The County Administrator report was given.

Regular Agenda:

County Attorney's Office Addition Bids 10-14-08-03 Earl Fuechtmann with Contegrity Group, Inc. presented the Board with the bid tabulations and total project cost for the Attorney's Office Addition. A lengthy discussion took place on the cost of the project and if the Board should re-advertise for bids in the spring of 2009. Motion by Commissioner Johnson and second

by Commissioner Wambeke to reject the bids that were presented and to re-bid the Attorney's Office Addition project in February 2009. Motion carried with Commissioners Antony, Wambeke, Johnson and Sherlin voting in favor and Commissioner Remiger voting against.

The Board recessed for a break at 10:35 a.m.

The Board reconvened at 10:45 a.m.

2009 Ditch Levies Public Hearing 10-14-08-04 Chairman Sherlin opened the public hearing for the proposed 2009 ditch repair and maintenance levies. County Ditch Inspector John Kolhei presented the list of ditches that need funds levied for maintenance and repair. No one from the public was present to comment. Chairman Sherlin closed the public hearing. Motion by Commissioner Johnson and second by Commissioner Antony to approve the 2009 ditch repair levies as presented at a total amount of \$204,220. Motion carried with all voting in favor.

Final Payment Approval for CSAH 24 10-14-08-05 County Engineer Andy Sander presented a resolution for final payment of S.A.P. 87-624-03 (CSAH 24 in Clarkfield). Motion by Commissioner Johnson and second by Commissioner Antony to approve Resolution 32-2008 as presented accepting said project is completed and authorizing final payment to Midwest Contracting, LLC in the amount of \$17,353.20 for the final contract amount totaling \$347,064. Motion carried with all voting in favor.

Conditional Use Permit YM-489-08 10-14-08-06 County Zoning Administrator Randy Jacobson presented a recommendation from the Planning Commission to approve Conditional Use Permit YM-489-08 for Thomas Keimig, Gary, SD, to excavate fill, an extractive use, in a Rural Preservation Management District located in part of the southwest one-quarter of the northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and part of the northwest one-quarter of the southeast one-quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6 in Florida Township. The Planning Commission recommended one condition. Motion by Commissioner Antony and second by Commissioner Wambeke to approve Conditional Use Permit YM-489-08 for Thomas Keimig as recommended by the Planning Commission with the following condition:

1. When excavation is complete, the site will be reclaimed in accordance with the provisions set forth in the Yellow Medicine County Mining Regulations Document. Motion carried with all voting in favor.

Conditional Use Permit YM-487-08 10-14-08-07 County Zoning Administrator Jacobson presented a recommendation from the Planning Commission to approve Conditional Use Permit YM-487-08 for Allied Dairy, LLC, Cottonwood, MN, to construct a 530' x 100' sand land to accommodate the transition from straw bedding to sand bedding; to enlarge the current feed storage pad by an additional 100' x 500' to assist with run-off control; to construct a 16' x 20' dead animal shed; to construct a 120' x 80' commodity shed and to construct an 80' x 100' hay shed in a Rural Preservation Management District in the west one-half of the northeast one-quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 32 in Sandnes Township. The Planning Commission recommended one condition. Motion by Commissioner Wambeke and second by Commissioner Remiger to approve Conditional Use Permit YM-487-08 for Allied Dairy, LLC, as recommended by the Planning Commission with the following condition:

1. The permittee shall plant and maintain three rows of fast growing trees using continuous fabric to control weeds. This planting shall include one row of Aus hybrid willow trees and two rows of trees with a mature height of at least thirty five feet (35'). The trees shall be planted in the following locations: on the east side of the property from the sand lane to the south border of the property; on the south side of the property encompassing the earthen basin and on the west side of the property from the south border to the concrete feed pad. The trees must be planted within one growing season of approval of the permit. The motion is contingent on Allied Dairy, LLC receiving a NPDES permit from MPCA. Motion carried with all voting in favor.

Conditional Use Permit YM-488-08 10-14-08-08 County Zoning Administrator Jacobson presented a recommendation from the Planning Commission to approve Conditional Use Permit YM-488-08 for Allied Dairy LLC., Cottonwood, MN, to amend Conditional Use Permit YM-340-98, that was granted to Lone Tree Dairy, LLP on June 9, 1998, in the following manner:

- Remove Condition #10 that states: The permittee shall plant a minimum of two rows of fast growing trees at a minimum height of 35' around the entire site except for the area located from County Road #2 south to the earthen storage basin.

- Remove Condition #11 that states: The permittee shall install one monitoring well on the east side and one monitoring well on the south side of the facility at a depth of approximately 75'. Wells shall be tested quarterly for, at a minimum, Total Kjeldahl Nitrogen, Nitrate Nitrogen, Nitrite Nitrogen, Dissolved Oxygen, Chloride, Sulfates, Fecal Coliform, pH, Temperature, Specific Conductivity and Flow.

The property is located in the Rural Preservation Management District in the west one-half of the northeast one-quarter (W ½ NE ¼) of Section 32 in Sandnes Township.

Motion by Commissioner Antony and second by Commissioner Remiger to approve Conditional Use Permit YM-488-08 for Allied Dairy, LLC, as follows:

Remove Condition #10 from YM-340-98, the permittee shall plant a minimum of two rows of fast growing trees at a minimum height of 35' around the entire site except for the area located from County Road #2 south to the earthen storage basin; and

Remove Condition #11 from YM-340-98, the permittee shall install one monitoring well on the east side and one monitoring well on the south side of the facility at a depth of approximately 75' and wells shall be tested quarterly for, at a minimum, Total Kjeldahl Nitrogen, Nitrate Nitrogen, Nitrite Nitrogen, Dissolved Oxygen, Chloride, Sulfates, Fecal Coliform, pH, Temperature, Specific Conductivity and Flow. The motion is contingent on Allied Dairy, LLC receiving a NPDES permit from MPCA. Motion carried with all voting in favor.

2009 County Budget and Levy Discussion Administrator Krosch and the Board reviewed the proposed 2009 budget and levy. Several expenses from the budget were removed.

Other Business:

Museum Energy Audit 10-14-08-09 Motion by Commissioner Antony and second by Commissioner Johnson to approve a budget amendment of \$500 in expenditures for an energy audit to be completed for the County Museum Building. Motion carried with all voting in favor.

Alan Berends Property 10-14-08-10 Administrator Krosch informed the Board that Alan Berends has offered to sell to the County his property located at 355 9th Avenue in Granite Falls. The property is adjacent to the Courthouse Campus and could be used for future expansion. Motion by Commissioner Remiger and second by Commissioner Antony to approve a budget amendment of \$46,000 in expenditures to purchase the Alan Berends property located at 355 9th Avenue in Granite Falls with Berends paying the deed preparation, deed tax and abstracting costs. Motion carried with Commissioners Wambeke, Remiger and Johnson voting in favor and Commissioners Antony and Sherlin voting against.

Approval of Disbursements/Review of Auditor's Warrants 10-14-08-11 Motion by Commissioner Antony and second by Commissioner Wambeke to approve the Commissioner's Warrants for the following amounts: \$120,319.98 Revenue Fund, \$62,940.07 Road and Bridge Fund, \$5,633.37 Construction Fund, \$5,273.51 Ditch Fund; and acknowledge review of the Auditor's warrants. Motion carried with all voting in favor.

Informational: None

Review of Upcoming Meetings and Events The Board reviewed upcoming meetings and events.

Adjourn 10-14-08-12 Motion by Commissioner Wambeke and second by Commissioner Antony to adjourn at 11:55 a.m. Motion carried with all voting in favor.

Witness:

Attest:

Louis Sherlin, Chair

Lois Bonde, Auditor/Treasurer