

TUESDAY, MARCH 26, 2013

**APPROVED MINUTES OF THE
COUNTY BOARD OF COMMISSIONERS MEETING HELD**

**STATE OF MINNESOTA)
COUNTY OF DODGE)**

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2013-07

The Dodge County Board of Commissioners met in regular session March 26, 2013, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. Lyle Tjosaas, Chair called the County Board of Commissioners meeting to order at 9:30 a.m. CDT.

Meeting Convened

The pledge of allegiance was recited.

Pledge of Allegiance

The County Administrator acknowledged those present and established that there was a quorum:

Those Present

Members present:	John Allen	District #1
	Lyle Tjosaas	District #2
	Rodney Peterson	District #3
	David Erickson	District #4
	Steven Gray	District #5

Members absent: None

Also present:	Jim Elmquist	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Erickson seconded by Peterson to approve the agenda as amended to add a County Board of Appeal and Equalization discussion item under the County Administrator's update. *Motion adopted unanimously.*

Agenda Approved

Motion by Peterson seconded by Allen to approve the following items on the Consent Agenda:

Consent Agenda
Items Approved

- 1.1 Chair and Deputy Clerk to sign resolution #2013-14 to accept the donation of baby items valued at \$170.00 from Cody Phillips of Dodge Center, MN for the Public Health Family Health Program.
- 1.2 Authorize the Human Services Director, County Attorney and Sheriff to sign a County IV-D Cooperative Agreement for purposes of accessing federal financial participation for 2013-2014.
- 1.3 Authorize the Human Services Director, Chairman of the Board and County Attorney to sign a revised contract for project management services as authorized by the Southeast Minnesota Human Services Delivery Authority Steering Committee for the period January 1, 2013 to December 31, 2013, contingent upon approval as to form and execution by the Dodge County Attorney.
- 1.4 County Administrator's signature to a Cell Phone Stipend Agreement with Feedlot Officer/WQ Tech Ryan Thesing.

Motion adopted unanimously.

County Engineer Guy Kohlnhofer met with the Board to discuss the proposed MnDOT Master Partnership Agreement.

Master Partnership
Contract with MnDOT
Approved by
Resolution #2013-15

Mr. Kohlnhofer informed the Board that the Minnesota Department of Transportation (MnDOT) and Dodge County often work in cooperation with and for each other. The Highway Department has been doing this for many years without formal documentation. About five years ago MnDOT administration determined that when they work with others they should have a formal agreement to protect all parties involved. At that time the Highway Department entered into a Master Partnership Contract that allowed them to work together with a simple agreement for each occasion that may arise.

The existing Master Partnership Contract is about to expire and MnDOT has requested the county execute a new one for the next five years. The Master Partnership Contract is executed by the County Board and MnDOT Administration and gives the authority to the local offices and the County Engineer to work together requesting or providing services to the other.

Included in the Board packets was a copy of the contract and a resolution authorizing the County Engineer to negotiate and execute work orders with MnDOT.

Motion by Peterson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2013-15 in support of a Master Partnership Contract with the Minnesota Department of Transportation:

WHEREAS, the Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

WHEREAS, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

WHEREAS, the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

THEREFORE BE IT RESOLVED,

1. That Dodge County enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the Board.
2. That the Chairman of the Board and County Administrator are authorized to execute such contract, and any amendments thereto;

3. That the Dodge County Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the Dodge County Engineer may execute such work order contracts on behalf of Dodge County without further approval by the Dodge County Board of Commissioners.

Master Partnership
Contract with MnDOT
Approved by
Resolution #2013-15
- Continued

Resolution adopted unanimously.

County Attorney Paul Kiltinen provided the Board with a legal update.

Legal Update

Sheriff Jim Jensen met with the Board to discuss his request to purchase a snow blower attachment to be used by County Highway Department to blow snow out of the impound lot.

Request to Purchase
Snow Blower
Attachment Approved

The Highway Department has plowed snow out of the Sheriff's impound lot for the past few years then charges the Sheriff's Office for equipment use and time. The Sheriff's Office was charged \$568.00 for two months snow plowing the last time the Highway Department removed snow from the impound lot. During a normal Minnesota winter they could easily spend well over \$1,000.00 a year for snow removal.

The Sheriff has spoken to Dallas Ness and Guy Kohlnhofer about his office purchasing a snow blower attachment for the Highway Department skid loader to be used to clear snow out of the impound lot. The Highway Department could also use the snow blower to remove snow from other areas.

If the Sheriff's Office purchases the snow blower, the Highway Department would clear the snow out of the impound lot and not charge the Sheriff's Office anything for the life of the snow blower. This would save the Sheriff's Office money in the long run and it would also be easier to clean the snow out of the impound lot.

Commissioners expressed concern with one department purchasing equipment and another using the equipment. Questions regarding maintenance and insurance issues were also addressed.

Commissioner Peterson commented that he would like to see all departments plan ahead and include these types of purchases in their annual budget request instead of the departments coming before the Board after the budgets have already been approved asking for authorization to purchase something that wasn't budgeted for.

Motion by Allen seconded by Gray to approve and authorize the Sheriff's Office to purchase a snow blower attachment from Bobcat of Rochester, Stewartville, MN at a cost of \$5,664.60 to be used to blow snow out at the impound lot. The funds for this purchase will come from money that was reimbursed to the Sheriff's budget for radios that were purchased out of last year's budget. *Motion adopted Gray, Allen, Erickson, Tjosaas aye, Peterson nay.*

Environmental Services Director Mark Gamm and Solid Waste Facility Manager Terry Selthun presented a request to purchase a new 48-foot trailer to replace an existing trailer.

Environmental Services Trailer Purchase Approved

Mr. Gamm reported that their 2013 budget calls for replacement of their existing 48-foot trailer. The budgeted amount is \$100,000. Environmental Services uses the trailer to transport waste to Olmsted County and recyclables to Inver Grove Heights.

The Environmental Services Department has requested written quotes to provide a new 48-foot open top trailer with walking floor.

The following quote summary information was shared with the Board:

Vendors	Price Quote	Notes
Summit Trailer – Prairie Trailer, Morris, MN	\$85,709.77	A
East Trailer - I-State Truck Center, Inver Grove Heights, MN	\$84,425.38	A
Wilkins Trailer – Wilkins Industries Inc., Morris, MN	\$82,587.19	
Titan Trailer – Ken's Truck Repair Inc., Chebanse, IL	\$77,436.21	
Titan Trailer – Ken's Truck Repair Inc., Chebanse, IL	\$67,286.78	B

Notes:

A = Quote did not include trade-in for their existing trailer.

B = Quote discounted because trailer is show model (not a demo) and includes delivery.

Mr. Gamm informed the Board that there is a possibility that the Triton show model, which was the lowest quote, may no longer be available.

Motion by Peterson seconded by Allen to accept the lowest quote of \$67,286.78 for a Titan Trailer from Ken's Truck Repair Inc., Chebanse, IL as requested. If the show model trailer is no longer available, Environmental Services has authorization to go with the next lowest quote. *Motion adopted unanimously.*

SSTS Coordinator Sandra Schaefer discussed with the Board her request to appoint a replacement to the Environmental Regulation Board of Adjustment for septics.

ERBOA Appointment Approved

Ms. Schaefer informed the Board that the Dodge County Environmental Regulations Board of Adjustments (ERBOA) for the septic program was created pursuant to MN Statutes 394.27 and the Dodge County Septic and Wastewater Treatment Ordinance No. 1 in 1992. The ERBOA shall grant variances pursuant to the current septic ordinance and make decisions on other issues as they may arise in the administration of the current Dodge County Sewage and Wastewater Treatment Ordinance No. 4. The ERBOA consists of five voting members, who are appointed annually by the Dodge County Board of Commissioners, and three ex-officio members, the Dodge County Environmental Services Director, the Dodge County SSTS Coordinator and the Dodge County Commissioner representing the district where the applicable request is located.

Because Kyle Skov is now living outside of Dodge County he has resigned from the ERBOA and a new member must be appointed. Ken Olson from Milton Township has agreed to serve on this board.

ERBOA Appointment
Approved -
Continued

Motion by Allen seconded by Gray to appoint Ken Olson to replace Kyle Skov as a new member of the Environmental Regulations Board of Adjustments as recommended. *Motion adopted unanimously.*

Drug Court Coordinator Eric Thompson presented for the Board's consideration a Third Judicial District Cooperative Agreement.

Third Judicial District
Cooperative
Agreement Approved

Mr. Thompson informed the Board that the Dodge County Drug Court receives reimbursement from the Third Judicial District for Drug Court case management services. Pursuant to the proposed cooperative agreement, the state funding is available on a quarterly reimbursement basis from January 1, 2013 through June 30, 2013. There is \$36,000.00 in reimbursement funding available from the Third Judicial District.

The State of Minnesota (Judicial Branch) presented Dodge County with a cooperative agreement that included some new language related to amendments, liability, and data privacy. County Attorney Paul Kiltinen reviewed and approved the revised cooperative agreement on March 7, 2013.

Motion by Gray seconded by Peterson to approve and authorize the Drug Court Coordinator and Chair to sign the proposed Third Judicial District Court and Dodge County Drug Court Cooperative Agreement as requested. *Motion adopted unanimously.*

Taxpayer Services Director Rose Culbertson reviewed bills with the Board.

Bills Approved

Ms. Culbertson reported that the descriptions for the Culligan Water Conditioning payments on page 6 and 10 will be changed to read "Correction on Account" and the description for a payment to the Dodge County Highway Department on page 10 will be changed to read "Gas 2013 Feb 615.8 gal@\$3.067".

Motion by Peterson seconded by Gray to approve the bills as discussed in the following amounts from the appropriate funds as determined by Finance:

01	Revenue Fund	\$ 104,063.70
11	Human Services Fund	\$ 385.82
13	Road and Bridge Fund	\$ 43,667.17
16	Environmental Quality Fund	\$ 54,465.73
	Total	\$ 202,582.42

Motion adopted unanimously.

The Taxpayer Services Director presented for the Board's consideration a penalty and interest abatement request.

Penalty & Interest
Abatement Request
Denied

The Taxpayer Services Director informed the Board that Richard Finger has submitted a request to abate the penalty and interest for his 2012 second half taxes. Mr. Finger stated that he never received a statement for the property taxes owed. This property was purchased by Mr. Finger in May of 2012. The first half taxes were paid on time by Alliance Bank on the previous owner's behalf on May 16, 2012. The closing company in a real estate sale generally discusses who is responsible for paying the taxes on a property.

No second half statement is mailed as the stub for second half is included on the statement mailed in April. Mr. Finger was informed of taxes owed when letters were mailed in January for those properties with delinquent taxes.

Taxes amounts and the opportunity to pay by the due date are available online as soon as taxes are certified in April. The Finance Office will also reprint and provide statements upon request and provide information to property owners over the phone to aid them in making their payment on time.

It was Ms. Culbertson's recommendation to remain consistent with past decisions and deny the request.

Motion by Allen seconded by Erickson to deny the penalty and interest abatement request of Richard Finger. *Motion adopted unanimously.*

Ms. Hager presented the Personnel Agenda for the Board's consideration.

Personnel Actions
Approved

Motion by Erickson seconded by Gray to approve the following personnel actions:

A. Administration

- A.1 Edward Anderson - Custodian/Maintenance - .8 FTE
Authorization to change status from temporary employee to regular employee A13 step 6 \$13.61 to fill vacancy.
Effective Date: 3/26/13

B. Highway

- B.1 Dallas Ness – Highway Maintenance Superintendent
No longer employed.
Effective Date: 5/31/13
- B.2 Highway Maintenance Superintendent
Authorization to post and fill vacancy.
Effective Date: 3/12/13
- B.3 Engineering Technician I – Seasonal
Authorization to post and fill seasonal position if regular position is not filled at this time.
Effective Date: 3/26/13
- B.4 Seasonal Highway Maintenance - (2)
Authorization to post and fill two positions not to exceed 6 months.
Effective Date: 3/26/13

C. Sheriff's Office

- C.1 Jeff Espinosa – Sergeant
Step increase from C43 Hire step \$27.44 to C43 24 month step \$28.34.
Effective Date: 2/23/13
- C.2 Matthew Wohlenhaus – Deputy
Step increase from C41 24 mo. step \$22.54 to C41 36 mo. step \$24.12.
Effective Date: 2/23/13
- C.3 Robert Hovland – Deputy
Step increase from C41 72 mo. step \$26.41 to C41 120 mo. step \$27.07.
Effective Date: 3/11/13
- C.4 Terry Sahl – Deputy
No longer employed.
Effective Date: 3/31/13
- C.5 Scott Umsted – On-Call Dispatcher
No longer employed.
Effective Date: 4/9/13
- C.6 Deputy Sheriff – On-Call (2 positions)
Authorization to fill vacancies.
Effective Date: 3/26/13
- C.7 Casey Pahl – Law Enforcement Intern
Authorization to allow to complete up to a 480 hour unpaid internship with the Sheriff's Office.
Effective Date: TBD

Personnel ActionsApproved -Continued**D. Extension**

- D.1 4H Summer Assistant - Seasonal
Authorization to post and fill seasonal position.
Effective Date: 6/4/13 – 8/10/13

E. Public Health

- E.1 Amy Ewing – Administrative Secretary - .6 FTE
Step increase from A13 step 4 \$14.43 to A13 step 3 \$14.86.
Effective Date: 3/26/13

Motion adopted Gray, Allen, Erickson, Tjosaas aye, Peterson abstained because his daughter was applying for the Extension position.

Emergency Management Director Matthew Maas provided the Board with a radon update.

Radon Update

Mr. Maas reported that since the last Commissioners meeting they have conducted the recommended continuous monitoring for radon. The Emergency Management Director reviewed the continuous monitoring results with the Board.

Mitigation options suggested from Wold Architects and Engineers and the Minnesota Department of Health were discussed.

Wold Architects and Engineers plan involved tearing up the floor, adding gravel and replacing the slab and finishes. Correspondence from Wold Architects indicated that if this works, it would be vastly cheaper.

The following Wold Architects and Engineers comments were shared:

1. Wold Architects is under the impression that some of the older spaces in the back areas of the lower level have exposed foundations. This may pose a problem with sealing the walls.
2. Wold Architects also budgeted for putting spray foam in the existing walls to seal up the existing foundation wall based on comments at one of their meetings that there may not be a continuous vapor barrier when the sheetrock walls were added.
3. Wold Architects likes the idea of testing to localize the source infiltration of the radon gases.

Radon Update -
Continued

In an e-mail from Wold Architects it indicated that this seems like a reasonable approach to minimize down time for workers and at the cost reported, the county can get a few quotes and speed up the timeline to get the work done. Wold Architects is a fan of incremental solutions for this problem and felt the county could always add a more aggressive solution if this does not work as expected.

Mr. Maas had the Minnesota Department of Health review Wold's recommendation for mitigation.

Josh Miller from the Minnesota Department of Health noted that after reviewing the proposals he had a different recommendation on how to move forward with reducing the radon levels in the courthouse. Based on the courthouse's location and the fact that there is a lot of limestone (karst) in the area, gravel under the floor is usually not needed and can actually make the building harder to mitigate. This is because the limestone already allows for a lot of air flow, which can be difficult to control, under the building and by adding gravel under the floor it allows from even more area of the basement to have high air flows.

The amount of air flow under the floor can be determined by doing Pressure Field Extension diagnostics (PFE), which can be performed by any contractor on the state's MDH radon contractor list that has the Advanced Diagnostics designation. PFE is conducted by drilling some holes through the concrete floor and measuring the amount of air flow that is needed to move air from underneath different parts of the floor.

If the PFE data is combined with radon sniffer data the extent of a mitigation system can be more accurately estimated. The radon sniffer takes grab samples and measures the amount of radon, this allows the radon contractor to better target where the source of radon is, under the floor.

Based on the floor plans and data the Emergency Management Director sent Mr. Miller, his recommendation and estimation of cost would be as follows:

1. Continue with CRM testing until all rooms in the lower level and at least two on the main level have been completed (PFE should not be conducted when the CRM testing is being completed, and 48 hours should pass after PFE before more CRM testing is started). – Cost is internal staff time using MDH CRM.
2. All work should be completed by a Contractor listed by MDH with an advanced diagnostics designation that also has access to a radon sniffer. – No cost increase to project.

3. Have a radon contractor do PFE and radon sniffer diagnostics before the final specs are created. – Approximately \$1,500 (one day).
 - a. This will determine if the system is high flow or high suction and the number of suction points needed. This will give the county specs that they can have bid on and won't be generalized estimations of work to be completed.
4. Sub slab depressurization with current building configuration:
 - a. Two vent pipes, 3" or 6" PVC (determined by PFE). – Approximately \$4,000 each.
 - b. Two high flow or high suction radon fans (determined by PFE). – Approximately \$500 each.
 - c. Sealing of radon entry points. – Approximately \$1,500.
 - d. Total mitigation cost. – Approximately \$10,500 (1-3 days).
5. Total project cost. – Approximately \$12,000.
 - a. As long as there are not concrete floors on the upper levels, asbestos removal that would need to be completed by an Asbestos Contractor or super low flow soil (mason sand or finer), the estimates should be within 25%.

Radon Update -
Continued

The Emergency Management Director concurred with the Minnesota Department of Health's recommendation for continued CRM testing of the rest of the offices, having a radon contractor do PFE and radon sniffer diagnostics and core drilling, all of which they felt could be done within 1-3 days.

Mr. Maas informed the Board that as the temperatures outside continue to climb, the radon levels in the courthouse will begin to drop. In order to determine if the suggested mitigation works, they need to make the changes and retest the affected areas while the temperatures are relatively similar to the original testing conditions. If this is not possible they will have to wait until this fall to check the radon levels and determine if the changes made accomplished the desired results.

The Emergency Management Director noted that the radon update will also be shared with the Safety Committee.

The County Administrator discussed with the Board possible locations to move Court Services staff to until the radon mitigation can take place in their office area.

It was the consensus of the Board to move Court Services into the annex breakroom until the mitigation project in the lower level courthouse can be completed. The employee breakroom will be temporarily moved to conference room C.

The Board thanked Mr. Maas for his work on the radon mitigation issue.

Friends of Wasioja Executive Committee members Don Smith and Sandy Gochnauer provided the Board with a Friends of Wasioja Civil War Days 2013 update.

[Wasioja Civil War Days Update](#)

Mr. Smith discussed with the Board the Friends of Wasioja organization.

Mr. Smith also provided the Board with a recap of the June 2011 Wasioja Civil War Days event and plans for June 15-16, 2013 event.

The Board thanked Mr. Smith and Ms. Gochnauer for the update.

Commissioner Gray presented a summary of the Human Services Committee report and action items.

[Human Services Committee Report](#)

County Attorney Paul Kiltinen left the meeting at 11:16 a.m. CDT.

[County Attorney Left Meeting](#)

Commissioner Tjosaas presented a summary of the Administration Committee report and action items.

[Administration Committee Report](#)

Motion by Gray seconded by Peterson to approve and authorize the March 12, 2013 Committee of the Whole meeting minutes as corrected on page 1. *Motion adopted unanimously.*

[03/12/13 Committee of the Whole Meeting Minutes Approved](#)

Motion by Peterson seconded by Allen to approve and authorize the March 12, 2013 meeting minutes as corrected on page 73, 74 and 75. *Motion adopted unanimously.*

[03/12/13 Meeting Minutes Approved](#)

Commissioners provided their agency reports. Commissioner Allen attended an AMC Legislative conference. Commissioner Erickson attended annual township meetings for Hayfield, Westfield, Ripley, Claremont and Ellington, a MnDOT Freight Rail Study Open House #4, a SCHA Quality Assurance Committee meeting, a work session on Human Services (SDA) Project, a Fairview Care Center meeting, a retirement reception for DFO Executive Director Doug Lambert, an two-Day AMC Legislative Conference, a (LMC) Minnesota School Board Association meeting, a Minnesota Township Association (MAT) meeting, a meeting at the capital with Senators Jensen, Schmit, Sparks and Senjem and a SCHA Joint Powers Board meeting. Commissioner Gray attended a Rail Study Open House, a Drug Court Retreat, a Fairview Care Center meeting, an AMC Legislative conference, a SCHRC meeting, a Dodge County Board meeting, a Dodge County Township Association meeting and township annual meetings for Wasioja and Concord. Commissioner Peterson attended a County Board meeting, township meetings for Canisteo, Vernon and Ashland, a Fairview Care Center meeting, a web meeting, an AMC meeting and a Fair Board meeting. Commissioner Tjosaas attended a Township Officers meeting, a Semcac conference call, a SDA meeting, an AMC Legislative Conference and a SCHRC meeting.

[Agency Reports](#)

The Board discussed the requirements for setting the 2013 County Board of Appeal and Equalization meeting date.

CBAE Meeting Date Set

It was the consensus of the Board that they agreed with the Deputy County Assessor's recommendation to set the 2013 County Board of Appeal and Equalization meeting date for Tuesday, June 18, 2013 at 7:00 p.m. at the courthouse, Mantorville, MN.

Motion by Allen seconded by Gray to adjourn the meeting at 11:51 a.m. CDT.
Motion adopted unanimously.

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on April 9, 2013 at 9:30 a.m. CDT.

Next Regular Meeting

ATTEST:

LYLE TJOSAAS
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY COUNTY CLERK

DATED: