

**TUESDAY, JUNE 10, 2014**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2014-12**

The Dodge County Board of Commissioners met in regular session June 10, 2014, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. Rodney Peterson, Chair called the County Board of Commissioners meeting to order at 9:31 a.m. CDT.

Meeting Convened

The pledge of allegiance was recited.

Pledge of Allegiance

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

Those Present

Members present:	John Allen	District #1
	Tim 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 Allen seconded by Tjosaas to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

Motion by Erickson seconded by Tjosaas to approve the following Consent Agenda items:

Consent Agenda  
Items Approved

- 1.1 3.2 Malt Liquor License for the Dodge County Mechanical and Agricultural Society effective June 1, 2014 – December 31, 2014, pending the approval of the County Sheriff, the County Attorney and insurance certificate being turned in.
- 1.2 Chair to sign a three year renewal service contract with Interstate Powers Systems to provide, twice annually, preventive maintenance for the emergency generator set at a cost of \$1,271.00 per year. The contract is effective from October 2014 – April 2017.
- 1.3 Human Services resolution #95-10.
- 1.4 Chair, County Administrator and County Attorney to sign the proposed MnDOT CSAH 1 License Agreement giving MnDOT authority to operate traffic monitoring equipment within the county's right-of-way.
- 1.5 Highway Department Five Year Capital Improvement Plan.

*Motion adopted unanimously.*

John McNamara from Wold Architects and Engineers met with the Board to discuss the bids received for the Government Services Building/Courthouse additions and remodeling projects.

Government Services  
Building/Courthouse  
Additions and  
Remodeling Bids  
Rejected

Mr. McNamara reported that on June 3, 2014 bids were received for the additions and remodeling of the Government Services Building/Courthouse and Annex buildings. A total of two bids were received, a bid tabulation was included in the Board packet for review. Mr. McNamara stated that regrettably, the bids received from both contractors exceed the budget previously approved by the County Board.

Mr. McNamara informed the Board that their initial research through discussions with the bidders suggested that schedule and timing of the work affected their ability to receive competitive bids for the work. Additionally, Wold has seen a market increase in pricing due to the quantity of available work, availability of construction workers and material pricing increases. Mr. McNamara noted that Wold will be meeting with the Building Committee to discuss rebidding strategies that will take into consideration project scope, budget and schedule.

Mr. McNamara recommended that at this time the County Board reject all bids received for this project.

Commissioner Erickson inquired as to whether or not the Board wanted to give the Building Committee any additional direction regarding this project.

Commissioner Peterson commented that he was frustrated with the bid results and that he wasn't sure what to do at this point.

Commissioner Erickson asked Mr. McNamara if Wold Architects and Engineering had a contractor in-house that the county could work with on this project.

Mr. McNamara stated that Wold does not have a contractor in-house; the county would have to hire a Construction Manager if they wanted to contract the work themselves.

Discussion took place on whether or not the bids received were competitive bids and if the prices listed were accurate.

Commissioner Gray commented that the county received two competitive bids, and it was his opinion that the prices listed were what was appropriate at that time.

Mr. McNamara indicated that he didn't feel the bids the county received were competitive bids. It was Mr. McNamara's belief that the county could get better bid results.

Mr. Gray wanted to know if they, as a Board, are satisfied with the scope of the project. Commissioner Gray indicated that he is satisfied with the scope and that he was reluctant to scale back at this time.

Commissioner Peterson stated that he agreed with Commissioner Gray's comments.

Government Services  
Building/Courthouse  
Additions and  
Remodeling Bids  
Rejected - Continued

Commissioner Tjosaas commented that there are a lot of construction projects going on at this time; therefore there is pressure from all sides on contractors, which was not surprising to him. Mr. Tjosaas stated that he felt that the scope of the project is right.

Motion by Allen seconded by Erickson to reject all bids for the Government Services Building/Courthouse project as recommended. *Motion adopted Erickson, Tjosaas, Allen, Peterson aye, Gray nay.*

Taxpayer Services Director Rose Culbertson reviewed bills with the Board.

Bills Approved

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

01	Revenue Fund	\$	30,688.36
11	Human Services Fund	\$	39.00
13	Road and Bridge Fund	\$	60,859.13
16	Environmental Quality Fund	\$	4,061.66
64	Environmental Grant & Loan Fund	\$	309.00
	Total	\$	95,957.15

*Motion adopted unanimously.*

Dodge County Trails Association representatives Lynn Knutson and Dick Leonard provided the Board with a Dodge County Trails Association update.

Dodge County Trails  
Association Update

Mr. Knutson shared the following information:

Who are we? The Dodge County Trails Association (DCTA) is a local non-profit advocate organization for a DNR bike trail from Rochester to Owatonna – Stagecoach Trail.

DCTA lobby for DRN trail access across three counties. Their plan is to connect Douglas Trail, Rochester, Byron, Kasson, Mantorville, Wasioja, Dodge Center, Claremont, Rice Lake State Park and Owatonna.

Why are they here?

- 1) To request Dodge County continue focus on possible trail connections with local/city trails.
  - Provides: recreational use  
safe routes to schools  
alternative transportation routes  
connection of our communities

- 2) Any county road improvement is an opportunity to assess trail development.
- 3) Watch for county land acquisition opportunities for possible trail features.
- 4) Use the DC Trails Association as a resource.

Dodge County Trails  
Association Update -  
Continued

Type of Trails: (under various government initiatives)

- State/DNR
- Regional/Grants
- Local/Grants

DNR trails can connect to Regional and Local trails. Perhaps adopting an existing trail as a segment of a state trail.

Current/recent trail developments were listed as follows:

While discussions continue with land owners for possible trails segments which may include road right-of-ways, a number of developments are bringing segment connections into view.

Olmsted County plans to expand Valley High Drive – west of Circle Drive in Rochester. Plans include a four lane road with bike paths on both sides. The county also owns major parcels leading to Byron.

Byron has trails throughout the city.

Kasson extended bike path east of schools with 16<sup>th</sup> Street improvements. More trails are in early planning stages with the relocation of Lions Park.

Mantorville EDA is planning a city trail loop with Rochester Sales Tax monies. The EDA also plans for a trail loop along the river to Riverview Road and wishes to connect to County Road 12 back to Sunset Trail.

Wasioja has county park plans with future trail connections. County lot in town was secured for possible trailhead.

Dodge Center is planning a main street resurface to include a bike lane.

Brian Weber who is a trails representative for the City of Dodge Center was available to discuss trail plans for the Dodge Center area.

Rochester DMC growth for future years may include alternative transportation routes. DMC is encouraging communities to enhance their drawing card to the area with quality schools, growing city enterprises, neighborhoods with parks and trail features, etc.

Near term request:

Consider trail extension along County Road 12 to Riverview Road with future road improvement plans. Assess State Aid for possible road expansion funds for a trail/path.

Dodge County Trails Association Update - Continued

The Board thanked Mr. Knutson and Mr. Leonard for the update.

SSTS Coordinator Sandra Schaefer discussed with the Board her request to approve a 2013 SSTS grant extension.

2013 SSTS Grant Extension Approved

Ms. Schaefer informed the Board that Dodge County received a grant in 2013 to help low income participants upgrade septic systems. The grant deadline is June 30, 2014. One system has not been constructed due to weather conditions and may not be completed by this date.

Motion by Gray seconded by Tjosaas to approve and authorize the proposed amendment extending the SSTS grant deadline to December 31, 2014 and designate Dean Schrandt as the authorized representative to sign the amendment on behalf of the county. *Motion adopted unanimously.*

Employee Relations Director Lisa Hager presented the Personnel Agenda for the Board's consideration.

Personnel Actions Approved

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

**A. Environmental Services**

- A.1 Melissa DeVetter – Zoning Administrator  
Step increase from C43 step 3 \$33.24 to C43 step 2 \$34.57.  
Effective Date: 6/10/14
- A.2 Mark Brannan – Assistant Solid Waste Operator  
Annual review.  
Effective Date: 3/1/14

**B. County Attorney**

- B.1 Arianna Halper – Assistant County Attorney  
Step increase from C43 step 8 \$26.68 to C43 step 7 \$28.03.  
Effective Date: 6/2/14

**C. Human Services**

- C.1 Karen Smith – Case Aide  
Increase FTE from .85 to .90.  
Effective Date: 6/10/14
- C.2 Jodie Marsh – Social Worker  
Increase FTE from On-Call to .50 FTE.  
Effective Date: 6/10/14
- C.3 Case Aide - .80 FTE  
Authorization to post and fill new vacancy.  
Effective Date: 6/10/14

*Motion adopted unanimously.*

The Chair recessed the meeting at 10:14 a.m. CDT.

Meeting Recessed

The Chair reconvened the meeting at 10:20 a.m. CDT.

Meeting Reconvened

County Administrator Jim Elmquist met with the Board to determine the Status of Dodge County's relationship with the Southeast Minnesota Multi-County Housing and Redevelopment Authority (SEMMCHRA).

SEMMCHRA  
Discussion

Mr. Elmquist reported that dating back to the mid-1990's, Dodge County's relationship with the SEMMCHRA has been a challenging one. On two occasions in 1994 and 2000, resolutions as stipulated under Minn. Stat. 469.005 were adopted by Dodge County requesting the other member counties support its withdrawal request. On both occasions, SEMMCHRA adopted motions not to reduce its area of operation and would not allow Dodge County's exclusion from the Authority.

Dodge County's attempts to withdraw from SEMMCHRA were based from the Board's belief that cost efficiencies within SEMMCHRA were non-existent; a municipal project that requested funding assistance didn't present a proper business-case for moving forward; the Executive Director's persistent advancements of projects requiring subsidies even after county objections; and perceived uncoordinated project management were the referenced catalysts for the previous dissolution requests.

It has been the Dodge County Board's desire to not have a representative serve on SEMMCHRA's Executive Board and additionally, not contribute financially to SEMMCHRA - a practice which has been followed for almost 20 years. In 2013, the Board sought alternative dispute resolution with SEMMCHRA to remediate existing issues prior to another request for exclusion, knowing this action under Minn. Stat. 469.005 would likely be rebuked. The alternative dispute resolution request went with little response from SEMMCHRA.

In 2013, SEMMCHRA asked for special legislation requesting taxing authority within the four-county operation area – a taxing authority independent of any County Board. Dodge County opposed the legislation along with the other member counties but was still pursued by SEMMCHRA until it was inhibited from advancement within a legislative committee.

Also in 2013, Dodge County asked Senator Senjem to draft special legislation on behalf of Dodge County allowing for withdrawal from SEMMCHRA with certain conditions. Once the Minnesota Legislature's Office of the Revisor and the county reached agreeable final language for consideration, the committee deadline for Dodge's withdrawal had passed and was moved to the second year of the biennium for consideration. In March of 2014, County Board Chair Rod Peterson, Dodge Center HRA Executive Director Amy Van Ram, Kasson Planning and Economic Development Director Mike Martin, and Mr. Elmquist testified on behalf of Senate File 1872 in the State and Local Government Committee requesting Dodge County's withdrawal from SEMMCHRA.

The item was ultimately “laid on the table” with what appeared to be concern regarding the precedence the legislation would create with other HRA agencies in the State.

SEMMCHRA  
Discussion -  
Continued

After the conclusion of the hearing, SEMMCHRA Executive Director Joe Wheeler approached the County Administrator about possible consideration of SEMMCHRA allowing Dodge County to become a contractual partner of the Agency and be removed from formal membership. Upon some follow-up emails, it was stated by Mr. Wheeler that SEMMCHRA is content with its contractual relationship with various cities in Dodge County and would not be recommending changes. Dodge County has continually stated it has no opposition to SEMMCHRA having independent contractual relationships with cities in Dodge County; the concern is over the county’s relationship with the HRA.

Mr. Elmquist discussed the following options with the Board:

- 1) Request removal from the organization with no additional services.
- 2) Request a formal contractual arrangement with SEMMCHRA for Section 8 services while concurrently requesting to be removed from the organization as a “full” member.
- 3) Continue with status quo.

### **Process**

Option 1: This statutory process would include conducting a public hearing after giving legal notice of intent to withdraw from a multi-county HRA. If after the public hearing, the Board wants to proceed with withdrawal, the adoption of a resolution for exclusion from the agency would need to take place. (Minn. Stat. 469.005 was included in the Board packet for review.)

Option 2: A letter would be sent to SEMMCHRA asking for official release from the organization while allowing SEMMCHRA to be a contractual manager of the Section 8 vouchers. Fillmore County and Houston County currently have this arrangement with SEMMCHRA. For information purposes, the Federal Housing Administration/U.S. Department of Housing and Urban Development (HUD) has given the opinion that SEMMCHRA is the recipient of the vouchers for the Authority and can determine where vouchers are placed within the regional area it operates. SEMMCHRA has made statements in the past that if Dodge County does not contribute their “fair share” to the voucher program, they will discontinue any new voucher applications from placement in Dodge County. It should be noted that Minn. Stat. 469.005 would likely apply with this option.

Option 3: Continue as is with the organization. SEMMCHRA has been actively working within Dodge County with several cities independently. Dodge County has not financially contributed to the organization dating back several years but SEMMCHRA continues to pursue operations in the area.

SEMMCHRA  
Discussion -  
Continued

Mr. Elmquist presented the following information for discussion:

A previous question is why can't the vouchers within Dodge County just be removed from SEMMCHRA's allotment and transferred to an HRA of Dodge County's choice? It is HUD's opinion that there are no official "Dodge County" vouchers as they are SEMMCHRA's and a reduced amount could not be transferred to another Authority without affecting the overall allotment of SEMMCHRA. (PIH 2012-11 was included in the Board packet for review.)

The last option has also raised questions as to sustainability. With this option, the Section 8 vouchers would be gradually withdrawn from Dodge County as there would be no county contribution to SEMMCHRA or representation on the Board. One concern expressed to the County Administrator from a city in the county is that Dodge County effectively has little "housing presence or voice" within the community with the current situation. With no contribution or representation on SEMMCHRA's Executive Board, Dodge County finds itself in that predicament. Consideration of the third option is probably not in the best interest of Dodge County into the future.

What the county has come to discover over the years with the SEMMCHRA dispute is the first option has proven to be an exercise in futility. In discussions with the County Attorney, it could be interpreted from Minn. Stat. 469.005 that only commissioners from the member-counties and not the Executive Board of SEMMCHRA (which includes various other representatives) are the determining voters on Dodge County's exclusion. We would ensure that if the Board agrees with this interpretation, the required resolution would include a statement to this effect. However, understanding HUD's opinion regarding the Section 8 voucher program, Dodge County currently has no control over its vouchers and to ensure the program does not become non-existent, an arrangement with SEMMCHRA for administration of the service would seem the most reasonable.

The County Administrator recommended Option No. 2 – Authorize a letter requesting Dodge County be removed from the HRA while simultaneously requesting a formalized contractual arrangement with SEMMCHRA for the administration of HUD Section 8 Vouchers.

Commissioner Erickson commented that he prefers Option 2. Mr. Erickson suggested that in the letter that will be written to SEMMCHRA that they encourage them to work with the cities where there is activity and that they utilize the cities expertise. It was Commissioner Erickson opinion that SEMMCHRA should also be directed to approach the City of Dodge Center and ask that they appoint a representative from the city to serve as their contact for SEMMCHRA.

Commissioner Gray recommended that the Board postpone the SEMMCHRA discussion for two weeks in order to allow him time to do more research on SEMMCHRA.

SEMMCHRA  
Discussion -  
Continued

Commissioner Peterson indicated that he agreed with Commissioner Erickson's comments. It was Mr. Peterson's opinion that Dodge County is the best source to determine what we want to do for housing in the county.

Commissioner Tjosaas expressed concern with recommending that SEMMCHRA work with the cities and then SEMMCHRA possibility expecting money from the county since the county recommended that they work with the cities.

It was determined that SEMMCHRA would have a better chance of getting funding from the cities than the county.

Commissioner Allen was in favor of Option 1 and holding a hearing.

The County Administrator noted that with Option 1 the Section 8 vouchers would go away. Without the vouchers, individuals would not be eligible for Section 8 housing in Dodge County.

County Attorney Paul Kiltinen explained Section 8 voucher requirements.

Commissioner Erickson reported that most of the Section 8 housing is in his area. Mr. Erickson noted that while the county doesn't want to be a part of SEMMCHRA, he does see a value for the cities to be involved.

Commissioner Gray stated that he supports Commissioner Allen's decision to support Option 1.

It was clarified that the county has wanted out of SEMMCHRA for a number of years and would like to keep the vouchers; however, the vouchers would stay with SEMMCHRA.

Commissioner Peterson informed the Board that the City of Hayfield has agreed to go into an agreement with SEMMCHRA, if they determine that it will be beneficial for them.

Mr. Peterson also reported that SEMMCHRA is a statutorily structured entity with no way of getting out.

Commissioner Peterson reported that there are two Section 8 participants in Dodge Center. Mr. Peterson noted that the Board received letters from the two individuals that are eligible for Section 8 housing asking the county not get out of Section 8 housing.

It was Commissioner Peterson's opinion that they should write a letter to SEMMCHRA requesting removal from the organization with no additional services. If SEMMCHRA denies the request, Mr. Peterson felt the Board should then go with Option 2.

The following question was raised – If the county removed themselves from SEMMCHRA and Section 8 housing, would the federal government make the county work with HUD again?

SEMMCHRA  
Discussion -  
Continued

Commissioner Allen stated that they should contact the City of Hayfield and the City of Dodge Center and tell them that the county is getting out of SEMMCHRA, and if they want Section 8 housing, they need to get involved.

Commissioner Erickson reported that the City of Hayfield is getting involved with SEMMCHRA.

Motion by Gray to postpone the decision on the SEMMCHA request for two weeks. The motion died due to the lack of a second.

Motion by Erickson seconded by Allen to approve and authorize Administration to send a letter to SEMMCHRA requesting Dodge County be removed from the HRA while simultaneously requesting SEMMCHRA work directly with the cities located in Dodge County for the administration of HUD Section 8 Vouchers.  
*Motion adopted Erickson, Tjosaas, Allen, Peterson aye, Gray nay.*

Letter to  
SEMMCHRA  
Requesting Removal  
from HRA Authorized

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

Legal Update

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

Public Health  
Committee Report

Commissioner Allen presented a summary of the Public Works Committee report and action items.

Public Works  
Committee Report

The Board reviewed the County Engineer's request to approve a resolution calling for a public hearing on the complaint of an impassable road in Concord Township.

Public Hearing on  
Complaint of  
Impassable Road in  
Concord Township  
Set by Resolution  
#2014-23

At the Board meeting held on May 27, 2014, the County Board was presented with a citizen complaint regarding an impassable road along a section of 540th Street in Concord Township. In accordance with Minnesota Statute 163.16, the County Board must schedule, by resolution, a public hearing to address the impassable road complaint.

Included in the Board packet was a proposed resolution setting the hearing for Thursday, July 10th, 2014 at 6:00 p.m. at the Concord Town Hall in Concord, MN.

Commissioner Allen offered the following resolution (#2014-23), seconded by Commissioner Erickson:

**Resolution Calling for a Public Hearing on Complaint of Impassable Road  
in Concord Township**

**WHEREAS**, Dodge County, Minnesota, in accordance with Minnesota Statutes 163.16 has been presented with a complaint of an impassable road on 540th Street between 200th Avenue and 190th Avenue within Concord Township; and

Public Hearing on  
Complaint of  
Impassable Road in  
Concord Township  
Set by Resolution  
#2014-23 - Continued

**WHEREAS**, in accordance with Minnesota Statutes 163.16 the Dodge County Board of Commissioners have agreed to hold a public hearing on the complaint.

**NOW, THEREFORE, BE IT RESOLVED**, by the County Commissioners of the County of Dodge, Minnesota, as follows:

A public hearing shall be held at the time and place set forth in the Notice of Hearing hereto attached and incorporated herein by reference. The County Engineer is authorized and directed to cause said Notice of Hearing to be published in the officially designated County newspaper once a week for two consecutive weeks with the first publication appearing not more than 30 days prior to the date of the public hearing. Said date has been set for Thursday, July 10, 2014 at 6:00 p.m. CST in the Concord Town Hall, Concord, MN.

*Resolution adopted unanimously.*

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

Administration  
Committee Report

Motion by Gray seconded by Allen to approve and authorize the May 27, 2014 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

05/27/14 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Erickson seconded by Gray to approve and authorize the May 27, 2014, 2014 meeting minutes as corrected on page 153. *Motion adopted unanimously.*

05/27/14 Meeting  
Minutes Approved

Commissioners provided their agency reports. Commissioner Allen did not have any meetings to report. Commissioner Erickson attended a Highway 14 meeting with U.S. Senator Klobuchar, a bid opening for the remodeling project, a SCHA Work Session, a SCHA Joint Powers Board meeting, a SCHA Quality Assurance Committee meeting and an AMC District IX meeting. Commissioner Gray attended a meeting with Amy Klobuchar/Commissioner Zelle, an Ice Arena meeting, a SCHRC meeting, a Retirement Reception for Shelley McBride, a bid opening, a Dodge Refreshed meeting and an AMC District IX meeting. Commissioner Peterson attended a Fair Board meeting, an Ice Arena meeting, a SCHA meeting and an AMC Regional District IX meeting. Commissioner Tjosaas attended a KM DMC meeting, a SEMREX meeting and a Semcac meeting.

Agency Reports

Motion by Gray seconded by Tjosaas to adjourn the meeting at 11:04 a.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on June 24, 2014 at 9:30 a.m. CDT.

Next Regular  
Meeting

**ATTEST:**

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**RODNEY PETERSON**  
**CHAIR, COUNTY BOARD**

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**BECKY LUBAHN**  
**DEPUTY COUNTY CLERK**

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**DATED:**