

**TUESDAY, FEBRUARY 10, 2015**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2015-04**

The Dodge County Commissioners met in regular session February 10, 2015, in the Commissioner's Room at the Dodge County Courthouse Annex, Mantorville, MN, at 9:30 a.m. CST. Chair John Allen called the meeting to order at 9:30 a.m. CST.

Meeting Convened

The pledge of allegiance was recited.

Pledge of Allegiance

The Chair acknowledged those present:

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 Clerk
	Paul Kiltinen	County Attorney

Motion by Erickson seconded by Tjosaas to approve and adopt the agenda as amended to include the addition of the County Engineer's request to award 2015 seasonal supply bids under the Public Works committee report, the addition of a request to reschedule the Regional Railroad meeting under the Administration committee report and the addition of the Public Health committee report. *Motion adopted unanimously.*

Amended Agenda  
Approved

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

Consent Agenda  
Items Approved

- 1.1 Resolution #2015-03 accepting the donation of fall/winter bundles valued at \$360 from Bundles of Love, Oronoco, MN and baby quilts valued at \$285 from St. John's Lutheran Church Quilters Club, Kasson, MN to the Public Health Family Health Program.
- 1.2 Liquor and Sunday Sale license for the Oaks Country Club for calendar year 2015, pending the approval of the County Sheriff and County Attorney.
- 1.3 Liquor and Sunday Sale license for the Zumbro Valley Recreation Club for calendar year 2015, pending the approval of the County Attorney and County Sheriff, a copy of the Liquor Liability Insurance form, and payment of the 2013 and 2015 Liquor license fees.

*Resolution/motion adopted unanimously.*

Employee Relations Director Lisa Hager discussed with the Board her request to set the Employee Recognition Banquet date.

Employee  
Recognition Banquet  
Date Set



Brief discussion took place regarding the request to fill the vacant Paralegal position.

Personnel Action B.1  
Approved

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

**B. Attorney’s Office**

- B.1 Shannon Thompson – Paralegal  
Authorization to employ at B24 step 4 \$20.37 to fill approved vacancy.  
Effective Date: 2/23/15

*Motion adopted Erickson, Tjosaas, Gray, Allen aye, Peterson nay.*

Environmental Services Director Mark Gamm presented for the Board’s consideration the February 4, 2015 Planning Commission recommendations.

ZA #15-01 Reviewed

**Zoning Amendment – ZA#15-01**

The public hearing is to consider a Zoning Amendment to the Dodge County Zoning Ordinance. The proposal includes new and amended language for Chapter 16: Performance Standards, Section 16.24 Feedlots & Pasture; 16.24.3 Application and Section 16.46 Solar Energy Farms; 16.46.2 A. Lot Size.

The Planning Commission recommends approval of the Zoning Amendment as presented.

Mr. Gamm informed the Board that due to a technicality the resolution for Zoning Ordinance Amendment – Chapter 16, Section 16.46 (Solar Energy Farms) Item 2 (Performance Standards) A (Lot Size) needs to be tabled at this time.

Commissioner Erickson offered the following resolution (#2015-04), seconded by Commissioner Gray:

ZA #15-01 Chapter  
16, Section 16.24  
Approved by  
Resolution #2015-04

**Zoning Ordinance Amendment –  
Chapter 16, Section 16.24 (Feedlots & Pastures)**

**WHEREAS**, the last major revision of the Dodge County Zoning Ordinance was on May 16, 1995; and

**WHEREAS**, the language of parts of Section 1624 (Feedlots & Pastures) could be deemed poorly written and/or unclear and have left the county open to interpretation by the courts; and

**WHEREAS**, the information was interpreted to be required as part of the CUP application; and

**WHEREAS**, the language proposed to be removed is addressed under Minnesota Rules Chapter 7020, (Feedlot Rules); and

**WHEREAS**, a summary of the language of Chapter 16, section 16.24 (Feedlots and Pastures) and been published in the legal newspaper January 21, 2015 and posted upon the county website; and

**WHEREAS**, a public hearing on the proposed amendments was held by the Dodge County Planning Commission on February 4, 2015; and

**WHEREAS**, the Planning Commission recommended approval of the proposed amended Chapter 16 to the Dodge County Board of Commissioners; and

ZA #15-01 Chapter 16, Section 16.24  
Approved by Resolution #2015-04  
- Continued

**WHEREAS**, the Dodge County Board of Commissioners adopted the proposed amended Chapter 16 at its February 10, 2015, meeting.

**THEREFORE BE IT RESOLVED**, that the County Board of Dodge County hereby adopts the amendment to Chapter 16 (Performance Standards).

Commissioner Erickson asked for clarification on whether or not the county, by adoption of the changes in verbiage to the Zoning Amendment, would be changing the public hearing process which they have followed for a number of years.

It was County Attorney Paul Kiltinen's opinion that they were not changing the public hearing process; it just clarifies the county will be following the 7020 rules.

Questions regarding animal units were addressed.

Assistant Zoning Administrator/Administrative Assistant Mary Greening reported anything under 500 units does not require a public hearing.

Commissioner Erickson clarified that facilities with an animal unit between 500-3,000 are required to hold a public hearing.

A question regarding public water usage was raised.

The Environmental Services Director reported the Minnesota Department of Public Health regulates wells; water use is not dealt with at the county level.

Commissioner Erickson discussed the county's ability to put conditions on a permit.

The Environmental Services Director noted the amendment does not change the county's ability to put conditions on a permit.

Commissioner Erickson wanted to know what happens after the County Board approves a conditional use permit.

Mr. Gamm stated if standards are met, the applicant can get a permit to build and operate, however the building will have to follow state rules.

Commissioner Erickson noted if 7020 standards are met, the applicant can start construction.

Commissioner Peterson commented that before a conditional use permit is issued a public hearing will be held and information will be made available to the public.

The Environmental Services Director indicated all information regarding the conditional use permit request will be made available, including the applicant's information and any public information that the Environmental Services staff has collected.

Ms. Greening reminded those present the 7020 language is strict and the county does not have control over the 7020 rules, the state does.

ZA #15-01 Chapter 16, Section 16.24  
Approved by Resolution #2015-04  
- Continued

Commissioner Allen reported everyone is always able to speak at public hearings. Mr. Allen also pointed out Dodge County cannot be less restrictive than the 7020 rules; however they can be more restrictive. Commissioner Allen commented the proposed amendment doesn't try to take away anyone's ability to obtain information, it simplifies the process.

The County Board acknowledged receipt of a letter from the Dodge County Agricultural Producers in connection with this discussion item.

Commissioner Gray clarified any conditions added would apply to the permit, not the application. Mr. Gray also noted the county has no jurisdiction over the 7020 rules since the county doesn't make the rules.

*Resolution adopted unanimously.*

The Chair thanked Mr. Gamm and the Environmental Services staff for their work on the Zoning Amendment.

Commissioner Peterson suggested that at a future Committee of the Whole meeting a discussion be held with Environmental Services staff regarding ground water/watershed in Dodge County.

Mr. Gamm provided an Annual County Feedlot Officer and Performance Credit Report and a 2014 Year-End Review Evaluation Worksheet for the Board's review.

Annual County Feedlot Officer & Performance Credit Report Approved

The Environmental Services Director reported that under the delegation agreement with the MPCA, Dodge County has minimum program requirements it is required to perform and report to the state. This is accomplished by an annual review with the assigned MPCA feedlot staff and completion of the annual report, which is required to be submitted.

Included in the Board packet was the revised Annual County Feedlot Officer and Performance Credit Report for the period of January 1, 2014 – December 31, 2014. During the year-end review, MPCA staff indicated the guidance developed to fill out the annual report had another error which resulted in an increase in the Performance Credits received by Dodge County from 86.44 to 93.44. The report will need to be signed again and returned to MPCA.

Also included in the Board packet was the 2014 Year-End Review Evaluation Worksheet conducted by MPCA staff (Mr. Paul Brietzke and Ms. Des Hohensten) on January 28, 2014. Dodge County completed 100% of its non-inspection minimum program requirements and had an inspection rate of 14.5%. This exceeds both the minimum state inspection of rate of 7% required by MPCA, as well as Dodge County's own work plan goal of 10%.

Motion by Erickson seconded by Tjosaas to approve and authorize the Chair to sign the Annual County Feedlot Officer and Performance Credit Report as presented. *Motion adopted unanimously.*

The County Attorney left the meeting at 10:00 a.m. CST.

County Attorney Left Meeting

The Environmental Services Director presented for the Board’s consideration a request to approve 2015 Waste Hauler’s License.

2015 Waste Hauler’s License Approved by Resolution #2015-05

The Board discussed with Mr. Gamm a zoning violation issue with Skjeveland Enterprises.

It was the consensus of the Board to give Skjeveland Enterprises until the end of 2015 to resolve the zoning violation; if the issue isn’t resolved by then his hauler’s license will be pulled for 2016.

Commissioner Erickson offered the following resolution (#2015-05), seconded by Commissioner Tjosaas:

**2015 Hauler’s License**

**WHEREAS**, the following waste haulers have applied for a license to collect and transport solid waste in Dodge County:

Veit Container Corp., Waste Management Inc., Hometown Haulers LLC, Gibson Sanitation LLC, Skjeveland Enterprises, Garbage Man of Rochester LLC, and Advanced Disposal

**WHEREAS**, the Dodge County Solid Waste Officer has reviewed the hauler’s application and supplemental information and finds that it meets requirements set forth in Dodge County Solid Waste Ordinance.

**THEREFORE, BE IT RESOLVED**, that the Dodge County Board of Commissioners grants a license to collect and transport solid waste in Dodge County for a period from February 15, 2015 through February 14, 2016 to the following haulers:

Veit Container Corp., Waste Management Inc., Hometown Haulers LLC, Gibson Sanitation LLC, Skjeveland Enterprises, Garbage Man of Rochester LLC, and Advanced Disposal

**BE IT FURTHER RESOLVED** that the enforceable conditions of each license is as follows:

1. The licensee will comply with all provisions of Dodge County Ordinance and state law.
2. The licensee will pay Transfer Station Tipping Fee and Waste-to-Energy Service Charge as determined by Dodge County.

*Resolution adopted unanimously.*

Director of Information Technology Tobey Hicks presented for the Board's consideration a Virtual Private Network (VPN) Remote Access Policy.

Dodge County VPN Remote Access Policy Approved

Mr. Hicks reported Dodge County has users who work out of the office at times and therefore the county needs to have a policy in place for remote users. This policy will help ensure that supervisors are aware of the employee's who are working away from the office. This policy will also provide guidance and rules which will be in place for connecting Dodge County computer equipment to outside networks.

The Director of Information Technology recommended the County Board review and approve the policy so the county can have users and supervisors from this point forward sign and maintain a record acknowledging that the users are aware of the Remote Access Policy.

Motion by Peterson seconded by Tjosaas to approve and authorize the Dodge County VPN Remote Access Policy as presented. *Motion adopted unanimously.*

The Director of Information Technology discussed with the Board his request to approve main servers and backup solutions scheduled replacements.

Main Servers and Backup Solutions Scheduled Replacements Approved

Mr. Hicks informed the Board that Dodge County has four servers that will be out of service and will have no support for these servers after July 14, 2015.

Dodge County needs to replace these servers which will then require several other things to be updated. IT will start with purchasing three new physical servers. These servers will replace five physical servers Dodge County has with virtualization. This means less hardware to fail and less energy needed to run the new servers. These servers will be the newest version Microsoft has out as of right now, and in order to complete the upgrade the county will need all new Microsoft User Licenses for 2012r2.

The county will also need a new backup solution as the current one is not working properly. The solution IT would like to switch to is Retrospect. This software has been in testing for the last month and is working well. The Restrospect software should also be more automated than the past system and require less focus from Dodge County IT staff, which will allow them to focus more on future changes and the customers they support.

IT will still have the AS400 and its backup on tapes and this system still requires daily interaction with Dodge County IT staff. IT hopes in the next few years to be on a better system to support Dodge County's tax and financial needs.

Mr. Hicks informed the Board all of the applications on the current servers will need to be moved to the new servers and possibly upgraded to run with the newest server versions. IT will work with all vendors to get this accomplished and up to date. This all needs to be completed and up and running before the move to the new Government Services Building.

The servers listed below are the systems that need replacing:

- DODGE01 (main domain controller and dns and minor applications)
- DODGE02 (file and print server, intranet webpage server)
- DODGE03 (Vanguard and Assessor data server)
- DODGEFVCC (file and print and timeclock server)
- DODGEHWY (file and print server) (will become the phone system also)

Main Servers and Backup Solutions Scheduled Replacements Approved - Continued

Included in the Board packet was a breakdown of the costs needed to complete this project. The total cost of the upgrades is estimated to be \$36,443.26. Funds for this expense have been set aside in the 2015 budget.

Motion by Gray seconded by Tjosaas to approve and authorize the main servers and backup solutions scheduled replacements as requested by the IT office at a cost of approximately \$36,443.26. Also included in the motion was authorization to update user licenses and software as requested. *Motion adopted unanimously.*

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

Public Health Committee Report

The Board discussed Public Health’s request to approve a Nurse Home Visit fee change.

Nurse Home Visit Fee Amendment Approved

Currently the Nurse Home visiting rate is listed as an hourly rate. Nurse Home visits are billed at a per visit rate. Each visit averages approximately 1-1/2 hours. The Interim Business Administrator is recommending that the county change this rate from \$135.00 per hour to \$202.50 per visit (\$135 x 1.5 hrs) to more accurately reflect costs. A copy of the fee schedule that shows fee PH32 was included in the Board packet for reference.

Motion by Tjosaas seconded by Gray to approve and authorize amending the Nurse Home Visit fee to \$202.50 per visit as recommended. *Motion adopted unanimously.*

Taxpayer Services Director Rose Culbertson reviewed bills with the Board.

Bills Approved

A payment to Northland Trust Services in the amount of \$750 will be added to the bills.

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

01	Revenue Fund	\$	26,084.21
13	Road and Bridge Fund	\$	14,510.35
16	Environmental Quality Fund	\$	62,874.40
37	Bond/Debt Fund	\$	750.00
	Total	\$	104,218.96

Motion adopted unanimously.



Ms. Culbertson discussed with the Board Committed Fund year end balances.

Committed Fund  
Year End Balances  
Reviewed

Included in the Board packet was a listing of year end 2014 balances for all of the committed funds as they will be reported on the trial balances. These funds were approved in December or in prior years.

No action is needed on this item.

Director of Land Records Ryan DeCook met with the Board to discuss his request to approve disaster abatements.

Property Tax  
Abatements  
Approved

Minnesota Statutes 375.192 provides that the County Board may grant the reduction or abatement of a property taxpayer’s estimated market valuation and the resulting taxes, costs, penalties, or interest which have been erroneously or unjustly assessed. The County Board may consider and grant reductions and abatements for applications as they relate to taxes payable in the current year and the two prior years. However, abatements for the two prior years shall be considered and granted only for clerical errors and when the taxpayer fails to file for a reduction or an adjustment due to a hardship, as determined by the County Board.

All applications must be written and approved by the County Assessor and the County Auditor before consideration by the County Board. Said abatement applications are entirely discretionary, subject to precedence and prior Board policy, and are not appealable to another level of authority. Based on the applicants’ claims and the investigation of the facts, the Finance Director and Mr. DeCook are offering the following assessment changes for taxes payable in the years listed:

Parcel ID	Owner	Street	City/TWP	Reason	Tax Reduction
24.100.0090	Janet Kundert	101 3rd ST NE	Kasson	Disaster Abatement: House fire- out for 5 total months in 2014.	<b>\$501</b>
13.036.2200	Alan Gilbertson	22270 CO HWY 34	Mantorville TWP	Disaster Abatement: Home explosion- out for 4 full months in 2014.	<b>\$404</b>
26.100.1820	Francisco Beltran	226 Main ST W	West Concord	Disaster Abatement: Main floor caved in due to water damage in 2014.	<b>\$331</b>

Motion by Peterson seconded by Erickson to approve and authorize the property tax abatements as requested. *Motion adopted unanimously.*

The Chair recessed the meeting at 10:30 a.m. CST.

Meeting Recessed

The Chair reconvened the meeting at 10:40 a.m. CST.

Meeting Reconvened

Marc Mandersheid, the Attorney representing the County, was available via speaker phone to discuss Al-Corn Clean Fuel vs. County of Dodge. This meeting was requested by the County to give the Board an opportunity to ask questions. Mr. Mandersheid will be asked to explain the process of tax court and the status of Al-Corn Clean Fuel vs. County.

Closed Session to Discuss Attorney/Client Privilege

Motion by Erickson seconded by Peterson to go into closed session at 10:40 a.m. CST to discuss litigation involving property identification numbers: R09.029.0600, R09.029.0602, R09.030.0200, and R21.029.0100. *Motion adopted unanimously.*

The County Attorney returned to the meeting at 11:32 a.m. CST.

County Attorney Returned to Meeting

The Chair opened the meeting to the public at 11:33 a.m. CST.

Meeting Opened to the Public

The Board thanked Mr. DeCook for his work on the Al-Corn valuation issue.

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

Legal Update

Commissioner Peterson 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 attend an out-of-state conference.

Out-of-State Conference Approved for County Engineer

The National Association of County Engineers (NACE) holds an annually conference scheduled for April 18-23, 2015. At this conference County Engineers from across the country gather for training and to exchange ideas. This conference qualifies as continuing education credits which is required to maintain registration as a Professional Engineer.

This year's conference is in Daytona Beach, Florida and will be held in connection with the Florida Public Works Association annual conference. With the partnership of these two entities they are expecting a robust conference this year.

The estimated cost to attend is \$1,900 for hotel, registration and travel. This is a budgeted expense within the Conference and Training budget line.

Motion by Peterson seconded by Erickson to approve and authorize the County Engineer to attend the out of state NACE conference April 18-23, 2015 in Daytona Beach, Florida at an estimated cost of \$1,900 for hotel, registration and travel. *Motion adopted unanimously.*

The Board discussed the County Engineer's request to award seasonal supply bids.

2015 Seasonal Supply Bids Awarded

Motion by Peterson seconded by Erickson to award the 2015 seasonal supply bids as presented. *Motion adopted unanimously.*

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

Administration Committee Report

The County Administrator informed the Board he inadvertently missed putting the Dodge County Regional Railroad Authority meeting on this agenda.

Dodge County  
Regional Railroad  
Authority Meeting  
Date Set

It was the consensus of the Board to hold the Regional Railroad Authority meeting on March 24, 2015, which is an evening meeting, after the regular County Board meeting.

Motion by Erickson seconded by Peterson to approve and authorize the January 27, 2015 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

01/27/15 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Gray seconded by Peterson to approve and authorize the January 27, 2015 meeting minutes as presented. *Motion adopted unanimously.*

01/27/15 Meeting  
Minutes Approved

The Board reviewed the Director of Information Technology's request to approve an out-of-state training request for travel to Austin, Texas, for a three day Information Technology workshop, scheduled for September 23-25, 2015.

Out-of-State Training  
Approved for IT  
Director

The IT department uses a software product named "SpiceWorks". This product is used for the county's Help Desk problem ticketing and reporting, system inventory, system status, and other tasks. Mr. Hicks has attended this workshop the last four years and has found it to be very beneficial. The Director of Information Technology would like to attend the seminar again this year.

The estimated total cost of the trip is \$1,905. The IT budget does have room in the education line item for this expense.

Location:	Austin, Texas
Cost to attend workshop:	\$425
Cost of hotel (estimate):	\$600
Cost of airplane ticket (estimate):	\$650
Car rental (estimate):	\$150
Meals (estimate):	\$80

Motion by Gray seconded by Tjosaas to approve and authorize out-of-state training for the IT Director to Austin, Texas September 23-25, 2015 at an estimated cost of \$1,905. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Allen attended a Zoning meeting and a Building meeting. Commissioner Erickson attended a LEAN work session at the Courthouse, a SCHA meeting, a Dodge County Planning meeting, a SCHA Joint Powers Board meeting, a Regional Radio Board work session, a construction meeting and a Building Committee meeting. Commissioner Gray attended a regular County Board meeting, a meeting with the county's EDA representative, a Highway 14 Partnership meeting, a Planning Commission meeting and a Zip Rail meeting. Commissioner Peterson attended a Consolidation Radio Board meeting, a MnPrairie meeting, a 4-Season's Ice Arena meeting and a SCHA meeting. Commissioner Tjosaas attended a Semcac Finance and Board meeting.

Agency Reports

Motion by Peterson seconded by Tjosaas to adjourn the meeting at 12:09 p.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on February 24, 2015 at 5:30 p.m. CST.

Next Regular Meeting

**ATTEST:**

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**JOHN ALLEN  
CHAIR, COUNTY BOARD**

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**BECKY LUBAHN  
DEPUTY CLERK**

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**DATED:**