

TUESDAY, APRIL 12, 2016

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2015-08

The Dodge County Commissioners met in regular session April 12, 2016, in the Commissioner's Room at the Dodge County Government Services Building, Mantorville, MN, at 9:30 a.m. CST. Chair Steven Gray 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
	David Erickson	District #4
	Steven Gray	District #5
Members absent:	Rodney Peterson	District #3
Also present:	Becky Lubahn	Deputy Clerk
	Lisa Kramer	Finance Director
	Paul Kiltinen	County Attorney

Motion by Allen seconded by Tjosaas to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

Facilities and Fleet Manager Duke Harbaugh introduced Clyde Trisko who is the new Building System Technician.

New Employee
Introduced

The Board welcomed Mr. Trisko.

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

Consent Agenda
Items Approved

- 1.1 Chair to sign the proposed Minnesota Application for Eligibility Form to Receive Federal Surplus Property, signature card, and supporting documentation for an additional three year term.
- 1.2 Gambling Permit for Holy Family Catholic Church for excluded bingo at the Dodge County Fair July 13-17, 2016 to raise money for the church.
- 1.3 3.2 Malt Liquor License for the Dodge County Mechanical & Agricultural Society effective April 1 – December 31, 2016 pending the approval of the County Sheriff, the County Attorney and the insurance certificate being turned in.
- 1.4 Awarding the 2016 bituminous projects contract to Rochester Sand and Gravel in the amount of \$1,861,640.73 with the County Engineer authorized to approve change orders and supplemental agreements up to 10% of the contract amount.

Motion adopted unanimously.

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

Personnel Actions
Approved

The Board discussed their concerns with the amount of turnover in the Public Health Department, specifically with the Health Educator position.

Ms. Hager informed the Board it's not uncommon for Dodge County employees to be recruited by other agencies that they interact with on a regular basis.

Commissioner Allen suggested that item D.2 be removed from the agenda and the Public Health Director be asked to come in and explain why she feels this position needs to be filled. It was Mr. Allen's opinion they may be able to be redistributed some of the duties performed by the Health Educator to other positions within the department.

The Employee Relations Director reported this position is funded through a SHIP grant and the county already has the money for this grant.

Commissioner Gray stated he has had an opportunity to work with the Health Educator and he feels this is a critical position in Dodge County.

Commissioner Allen reiterated he feels Public Health has a problem keeping this position full and he would like Amy Roggenbuck to come in and explain why she feels the position needs to be filled.

It was the consensus of the Board to table item D.2.

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

A. Sheriff's Office

- A.1 Darryl Clements – Deputy Sheriff
Step increase from C41 48 month step \$26.42 to C41 60 month step \$27.31.
Effective Date: 1/24/16

B. Administration

- B.1 4H Summer Assistant - Seasonal
Authorization to post and fill seasonal position at \$11.50.
Effective Date: 6/13/16 – 8/12/16

C. Land Records

- C.1 Heather Appel – Land Records Clerk
End of employment.
Effective Date: 3/24/16
- C.2 Land Records Clerk – 1.0 FTE
Authorization to post and fill vacancy.
Effective Date: 3/12/16

D. Public Health

- D.1 Allison Knudson – Health Educator
Authorization change status from .60 FTE to on-call.
Effective Date: 4/15/16

Motion adopted unanimously.

Sheriff Scott Rose met with the Board to discuss his request to approve Holiday Pay for Non-Union employees in the Sheriff's Office.

Holiday for Non-Union Sheriff's Office Employees Approved

Mr. Rose informed the Board the following language has been approved by Employee Relations for the proposed policy.

POLICY 32 – HOLIDAY PAY FOR NON-UNION EMPLOYEES

PURPOSE

The purpose of this policy is to compensate all non-union Sheriff's Office employees for all hours worked during certain holidays recognized by Dodge County.

POLICY

A Dodge County non-union deputy or dispatcher who is requested and/or authorized by a supervisor to work any of the following 3 holidays; 4th of July, Thanksgiving Day, Christmas Day – will be compensated at time and a half (1.5x the employee's current hourly rate) for all hours worked on that holiday, regardless of the number of hours that employee has worked during the pay period in question.

Sheriff Rose stated covering holidays is always a challenge both in dispatch and in patrol. The Sheriff's Office always tries to fill these open positions with part-time staff first before going to full-time staff – many who are understandably reluctant to take on these shifts due to family and other commitments. This would give the Sheriff's Office the ability to offer an added incentive to part-time staff to work on these days, which will save their office a considerable amount of money when comparing their part-time versus full-time hourly rates.

Motion by Erickson seconded by Tjosaas to approve and authorize the Holiday Pay for Non-Union Sheriff's Office employees as presented. *Motion adopted unanimously.*

Sheriff Rose presented for the Board's consideration a Voice Logger ownership transfer proposal.

Voice Logger Ownership Transfer Approved

Mr. Rose reported all counties involved are transferring ownership of their Voice Logger equipment to the SE MN Regional Emergency Communications Board primarily for insurance purposes. The proposed Memorandum of Understanding also included in the Board packet explains the need.

Motion by Tjosaas seconded by Allen to approve and authorize the Voice Logging Equipment transfer of ownership as requested and the Chair, Finance Director and Sheriff to sign the necessary paperwork to facilitate the transfer. *Motion adopted unanimously.*

Taxpayer Services Director Rose Culbertson reviewed bills with the Board.

Bills Approved

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

01	Revenue Fund	\$ 146,466.95
13	Road and Bridge Fund	\$ 132,293.07
16	Environmental Quality Fund	\$ 11,156.22
32	County Capital Projects	\$ <u>33,697.79</u>
	Total	\$ 323,614.03

Bills Approved -
Continued

Motion adopted unanimously.

Ms. Culbertson discussed with the Board a request to approve the base sale price and authorize the sale of tax-forfeited public and non-public properties.

Base Sale Price &
Authorization of
Public and Non-
Public Sale of Tax-
Forfeited Properties
Approved by
Resolution #2016-15

M.S. 282.01 provides for the classification, appraisal and sale of land becoming the property of the State of Minnesota for nonpayment of real property taxes. All tax forfeited parcels were released by the cities and townships for public use. Appraisal information was obtained by the Dodge County Assessor's Department. The base price was set by the Finance Director.

Thirty days before the sale of tax-forfeited land by public auction, notice of the sale will be published. In addition, notice of sale will be mailed to all owners of land adjoining each parcel to be sold. The sale will be scheduled on Monday, May 23, 2016 at 9:00 a.m. in the Board Room.

Included in the Board packet were several documents:

The first document is a list of tax-forfeited properties that the Taxpayer Services Director is presenting for public auction. Included on that listing are the parcel number, legal description, the 2016 taxable market value and a suggested base price. The base sales price may be set at whatever value the Board feels is fair and helps to assure that the property will be purchased by someone. It is the Finance staff's recommendation the suggested base price be used to set the base sales price. If the lots are not sold at the auction the county would then be able to reappraise them, lower the sales price and sell them over the counter.

The second document is a list of tax-forfeited properties that are non-buildable properties according to city and county ordinance. According to statute 282.01 the Finance Director has authority to offer these parcels as a non-public sale to the adjacent neighbors in order to return the property to the tax rolls. These notices will be mailed as soon as possible. The sale of these properties will be done by sealed bid.

The third document is a resolution approving the public auction, the sale price and the auction date of May 23, 2016 at 9:00 a.m.

Commissioner Allen offered the following resolution (#2016-15), seconded by Commissioner Tjosaas:

Approval of Base Sale Price and Authorization of Public and Non-Public Sale of Tax-Forfeited Properties

WHEREAS, the County Board of Commissioners of the County of Dodge, State of Minnesota, desires to offer for sale certain parcels of land that have been forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels of land have been viewed by the County Board of Commissioners and have been classified as non-conservation lands as provided for in Minnesota Statutes 282.01.

Base Sale Price & Authorization of Public and Non-Public Sale of Tax-Forfeited Properties Approved by Resolution #2016-15 - Continued

NOW, THEREFORE, BE IT RESOLVED, that the base sale price be approved and authorization for a public and non-public sale of this land be granted, pursuant to M.S. 282.01; that sale will be held at 9:00 a.m., Monday, May 23, 2016, by the Dodge County Finance Director at the Dodge County Government Services Building for not less than the base sale price, and that all sales shall be full payment.

Resolution adopted unanimously.

Accounting Services Director Sara Marquardt presented for the Board's consideration a request to approve the purchase of an M100 Precinct Counter and ballot box for elections.

Request to Purchase Used M100 Precinct Counter and Ballot Box Discussed

The Election equipment that the county has is over 10 years old. Ms. Marquardt reported the county does preventive maintenance on the equipment every other year. Even with the preventive maintenance and the age of the machines the county is nearly at the end of the life for the machines.

With 2016 being a large Presidential year and the chance that we could have M100 precinct counters breaking down, the Accounting Services Director would like to purchase a used M100 Precinct Counter. This way the county would have two backup machines in case of failure of the other M100 Precinct Counters.

The cost for the new or used M100 Precinct Counter includes Steel Ballot Box, one PCMCIA card and a one year warranty. The cost of a new machine is \$4,750.00 and the cost of a used machine is \$4,250.00. There is a \$95.00 shipping fee on either machine. The total for a new machine would be \$4,845.00 and the used machine would be \$4,345.00.

Ms. Marquardt discussed with the Board a request to approve the purchase of a DS200 Precinct Scanner and Tabulator.

Purchase of Used DS200 Precinct Scanner and Tabulator Discussed

Because 2016 is a Presidential year the Accounting Services Director is expecting lots of people voting by Absentee ballot. There are bills being proposed that would let voters put their ballot directly into the ballot box if they are voting in person within the seven days before the election.

Ms. Marquardt informed the Board the current M100 machines will only handle ten precincts per disk so the county would need three M100 machines setup for voters to put their ballots into and then would have to make sure the voter puts their ballot into the correct machine. A DS200 can handle up to 9,900 precincts, which is far more than the county would ever need.

The DS200 Precinct Scanner and Tabulator includes the plastic ballot box with case, 4gb jump drive and one year warranty. The cost of a new DS200 is \$5,750.00, the cost of a used DS200 is \$4,750. The used DS200 has only been used in one election so it is basically a new machine. The cost for a backup jump drive is \$90.00, there is also \$95.00 shipping fee.

The total for a new DS200 would be \$5,935.00 and a used DS200 would be \$4,935.00.

Purchase of Used DS200 Precinct Scanner and Tabulator Discussed - Continued

Commissioner Gray recommended purchasing new machines since the cost difference between the two options wasn't significant.

The Board further discussed Ms. Marquardt's request to purchase a DS200.

Purchase of Used DS200 Precinct Scanner and Tabulator Approved

Motion by Allen seconded by Erickson to approve and authorize the Accounting Services Director to purchase a used DS200 Precinct Scanner & Tabulator at a cost of \$4,935.00. *Motion adopted unanimously.*

Further discussion took place on the Accounting Services Director's request to purchase an M100 Precinct Counter.

Request to Purchase Used M100 Precinct Counter and Ballot Box Approved - Continued

Brief discussion took place regarding the benefits of buying new verses used.

Motion by Erickson seconded by Allen to approve and authorize the Accounting Services Director to purchase a used M100 Precinct Counter and ballot box and jump drive at a cost of approximately \$4,530.00. *Motion adopted unanimously.*

Southeastern Minnesota League of Municipalities staff person Brenda Johnson discussed with the Board SE MN Regional Economic Development Study Bill HF3637/SF3379.

Support for SE MN Regional Economic Development Study Bill HF3637/SF3379 Approved by Resolution #2016-16

City of Kasson Council representative Dan Egger was available to comment on the request.

Included in the Board packet were documents regarding a current bill in both the House and Senate for a one-time appropriation for a Regional Economic Development Study for SE MN. The Southeastern MN League of Municipalities (SEMLM) is working with legislators in our region on behalf of their 60 SEMLM city members to provide their communities with needed economic development information as they plan to address the changes coming to our region.

Ms. Johnson reported without a Regional Development Commission, our part of the state lacks the same level of regional economic development support as seen in the rest of the state. For that reason, the SEMLM has put this proposal forward to create a forecasting tool for communities. While geared for cities in our region, the proposal will produce useful information for our counties and townships too. The SEMLM seeks the Board's support of HF3637/SF3379 Study Bill for the planning data it will generate for entities throughout the eight county area.

Brenda Johnson informed the Board the bills have bi-partisan support from our region's lawmakers. They also have legislators from outside the region sharing their support for the bill, now they need Dodge County's support.

Commissioner Peterson arrived to the meeting at 10:06 a.m. CST.

Commissioner Peterson Arrived

Commissioner Tjosaas offered the following resolution (#2016-16), seconded by Commissioner Allen:

Letter of Support for SE MN Regional Economic Development Study Bill HF3637/SF3379 Approved by Resolution #2016-16 - Continued

Resolution in Support of Southeast Minnesota Regional Economic Development Study

WHEREAS, southeast Minnesota faces unprecedented economic growth in the coming years from a variety of sources and projects; and

WHEREAS, the Southeastern MN League of Municipalities (SEMLM) is working with legislators in our region on behalf of over 60 SEMLM cities to provide our communities with needed economic development information as they plan to address the changes coming to our region; and

WHEREAS, without a Regional Development Commission, our part of the state lacks the same level of regional economic development support as seen in the rest of the state; and

WHEREAS, the SEMLM has put this proposal forward to create a forecasting tool for communities; and

WHEREAS, while geared for cities in our region, it will produce useful information for our counties and townships, too; and

WHEREAS, the SEMLM seeks county support of the HF3637/SF3379 Southeast Minnesota Regional Economic Study Bill for the planning data it will generate for entities throughout the eight county area.

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

The Dodge County Board of Commissioners asks the Minnesota State Legislature to fund the Southeast Minnesota Regional Economic Study as outlined in HF3637 and SF3379.

Resolution adopted Gray, Tjosaas, Erickson, Allen aye, Peterson nay.

Economic Development Consultant Tom Monson met with the Board to discuss his request to approve Business Subsidy Policy revisions.

Business Subsidy Policy Revisions Reviewed

Mr. Monson informed the Board the Economic Development Authority (EDA) conducted an annual review of the Dodge County Business Subsidy Policies and recommended two revisions:

- 2.03 to eliminate "..., except JOBZ business subsidies as defined by Minnesota statutes §116J.469.310-469.320. In the event of a conflict between the requirements of Minnesota Statutes §116J.993-116.995 and 469.310-469.320, Minnesota Statutes §469.310-469.320 shall supersede."
- 6.01 to replace "...\$12.00 per hour plus benefits..." with "...120% state or federal minimum wage, whichever is higher..."

The revision in 2.03 focuses on elimination of language pertaining to use of the JOBZ subsidy set out in Minnesota state statute. The statute sunset at the end of 2015, so the EDA recommends elimination of the language relating to utilization of the program. This revision is meant to facilitate a straightforward and publicly accessible business subsidy policy.

Business Subsidy
Policy Revisions
Reviewed -
Continued

The revision in 6.01 alters the treatment of the wage threshold from a flat dollar amount to a percentage of minimum wage rates. Moving to this formula allows the subsidy policy to automatically move along with changes to wage rate policies at state and federal levels, whichever is higher. Currently, Minnesota state minimum wages are scheduled to change on August 1, 2016, and use different wage rates for large and small employers. While these rates remain a debate at the state and federal levels, with potential for significant changes, the EDA recommendation is meant to keep the policy up to date in a dynamic legislative environment. This revision is meant to facilitate an efficient business subsidy policy.

Commissioner Gray expressed concerns with the proposed resolution, the formatting of the document was tailored to the Dodge County EDA, not the Dodge County Board of Commissioners. The last two paragraphs in the resolution were not relevant to the proposed Business Subsidy Policy revisions.

Mr. Monson confirmed that the paragraphs in question were from an old resolution.

Commissioner Gray recommended Mr. Monson fix the resolution and bring it back for Board action in two weeks.

The meeting was recessed at 10:23 a.m. CST.

Meeting Recessed

The Chair reconvened the meeting at 10:34 a.m. CST.

Meeting
Reconvened

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

Legal Update

The County Attorney discussed with the Board a proposed resolution to the Claremont demolition project.

Claremont
Demolition Project
Settlement
Agreement
Approved

The County Attorney informed the Board he had the chance to talk with Jason Fitzgerald with regard to settlement of the Claremont demolition project. Fitzgerald Excavating has responded to the county's earlier offer of settlement and provided their position regarding the additional costs to the engineer which were the basis of offering a reduction to their original bid.

The Board agreed at their December 22, 2015 County Board meeting to withhold \$7,000 from Fitzgerald Excavating for extra engineering expenses that were sustained.

Fitzgerald Excavating's failure to perform in a timely manner, Mr. Fitzgerald's failure to produce photos of installation, failure to complete the punch list in its entirety and failure to meet schedules/deadlines were the cause for multiple site visits, numerous emails and phone calls as well as a lot of time following up with Mr. Fitzgerald to see that the project was progressing.

Kane and Johnson, the original architects, sold out to Windseth Smith Nolting & Associates, Inc. (WSN) back in March of 2015 in which the county continued with its original Project Manager and Architect. The original price from Kane and Johnson included a sufficient number of site visits had the contractor performed and adhered to a schedule.

Claremont
Demolition Project
Settlement
Agreement
Approved -
Continued

Mr. Fitzgerald agrees there were delays that resulted in more visits from the Engineer than anticipated however, he felt better communication from the architects could have reduced the number of extra visits to the site. Mr. Fitzgerald is requesting that the amount withheld be \$4,000, not the proposed \$7,000.

The original bid amount from Fitzgerald Excavating was \$89,000. With a reduction of \$4,000 the total recommended payment to Fitzgerald Excavating would be \$85,000.

Motion by Peterson seconded by Allen to approve and authorize the County Attorney to redraft the Settlement Agreement for the payment of \$85,000 to Fitzgerald Excavating for the Claremont demolition project. *Motion adopted unanimously.*

Zoning Administrator Melissa DeVetter presented for the Board’s consideration the April 6, 2016 Planning Commission recommendations.

IUP #16-01
Approved

Jason Louks – IUP #16-01.

Motion by Erickson seconded by Allen to approve of the following action of the Planning and Zoning Commission as reviewed on April 6, 2016 with the reasons, recommendations and conditions as found in the individual permit:

Jason Louks – IUP#16-01

The first public hearing is to consider an application for an Interim Use Permit to allow a dwelling on less than 53 acres in the Agricultural District. The parcel is 5.56 acres located in the SW ¼ of the SW ¼ of Section 22 Ripley Township. Jason Louks is the applicant and the property owner.

The Planning Commission recommends approval with the following conditions:

1. The Ag Covenant shall be recorded prior to issuance of the Zoning Permit.
2. Dodge County Zoning Permit shall be obtained before construction.
3. The sewage treatment system must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4. A Dodge County Sewage Treatment System shall be obtained prior to issuance of the Zoning Permit.

Motion adopted unanimously.

SoCore Dodge 1 LLC – CUP#16-02 was reviewed.

CUP #16-02
Approved

Commissioner Tjosaas noted this project and the possibility of a road in the vicinity of this project has been discussed by the City of Kasson in the past, and they determined they didn’t want a Right-of-Way for a potential road in this area.

Motion by Allen seconded by Tjosaas to approve of the following action of the Planning and Zoning Commission as reviewed on April 6, 2016 with the reasons, recommendations and conditions as found in the individual permit:

CUP #16-02
Approved -
Continued

SoCore Dodge 1 LLC – CUP#16-02

The second public hearing is to consider an application for a Conditional Use Permit to allow a Solar Energy Farm in the Urban Expansion District. The parcel is 84.5 acres located in SW ¼, Section 27 Mantorville Township. SoCore Dodge 1, LLC is the applicant and Wally & Linda Mienert are the property owners.

The Planning Commission recommends approval with the following conditions:

1. Dodge County Zoning Permit shall be obtained before construction.
2. No structures or fill are permitted within the FEMA 100 year floodplain.
3. Operation will comply with all local, state, and federal regulation regarding the use and activities performed on site.
4. The use applies only to the approximately 25-30 acre site where the solar farm is proposed as identified in Site Geometry Plan dated 2/10/16. Any change involving the enlargement, intensification or expansion of the use or similar changes not specifically permitted by the CUP shall require an amended CUP to be issued by the County Board.
5. The use shall comply with Section 17.19 (Nuisance Standards). The permittee shall designate an individual present on the site during construction activities to receive and address calls regarding nuisance complaints such as noise, dust, waste management or other concerns/issues. Signs with the contact information of the designated individual should be posted near the site at a highly visible location and the contact information for the individual should be provided to the Department. The permittee shall notify the Environmental Services Department of any complaints received and their efforts to address the issue. Nuisance complaints may result in review of the CUP by the Planning Commission.
6. The permittee shall obtain the appropriate stormwater permit(s) from MPCA. A copy of the permit and Stormwater Pollution Prevention Plan (SWPPP) shall be on file with the CUP in the Environmental Services Office. The name and phone number of the individual responsible for installation, maintenance and monitoring of the stormwater practices shall be provided to the Department.
7. An annual performance report on the solar farm shall be provided to the Environmental Services Department and the City of Kasson by January 31st of each calendar year.
8. The solar farm shall meet the Performance Standards of Section 16.46.2 of the Dodge County Zoning Ordinance.
9. A Decommissioning Plan including financial assurance which complies with Section 16.46.3 of the Dodge County Zoning Ordinance shall be submitted to the Environmental Services Department to be on file with the CUP. Dodge County shall be the holder of the required decommissioning performance bond or escrow account.
10. The applicant shall provide proof that it has obtained approval to construct from Northern Natural Gas prior to issuance of the Zoning Permit.
11. The permittee shall comply with the Minnesota Wetland Conservation Act.

- 12. No later than six months after annexation of parcel 13.027.0701 (or successor city parcel number) by the City of Kasson, the permittee shall establish screening along the southern perimeter of the fence surrounding the solar farm.

CUP #16-02
Approved -
Continued

Motion adopted unanimously.

Commissioner Gray commended the work of the SoCore group and Dodge County Planning and Zoning staff on conditional use permit #16-02.

Byron Sportsmen Club & Conservation – CUP#14-06 amendment was reviewed.

CUP #14-06
(Amendment)
Approved

Motion by Allen seconded by Peterson to approve of the following action of the Planning and Zoning Commission as reviewed on April 6, 2016 with the reasons, recommendations and conditions as found in the individual permit:

Byron Sportsmen Club & Conservation – CUP#14-06 (amendment)

The third public hearing is to consider an application to allow an amendment to Conditional Use Permit #14-06 of an existing gun club in the Ag district. There are five parcels that are included in this amendment that total approximately 114.59 acres. Three parcels totaling 84.85 acres are located in the SW ¼ of Section 13 and two parcels totaling 29.74 acres are located in the SE ¼ of Section 14, Mantorville Township. Joseph Hensel is the applicant and Byron Sportsmen & Conservation Club is the property owner.

The Planning Commission recommends approval with the following conditions:

1. Operation will comply with all local, state, and federal regulation regarding the use and activities performed on site as well as any permits issued there under. Modifications or improvements to existing operating ranges shall comply with Minnesota Statutes 87A and the National Rifle Association’s Range Sourcebook.
2. The use of BSCC property shall be in compliance with the BSCC Facility Long-Range Plan, which is attached as Exhibit A and incorporated herein by reference.
3. The hours of all firearm ranges at the site shall be 9:00 a.m. to 9:00 p.m. in accordance with the original Certificate of Occupancy issued by Dodge County. Other activities, such as Archery, shall not have limits of operation.
4. All accesses shall be secured when not in use.
5. The BSCC shall vacate the Stipulation Agreement and the Certificate of Occupancy shall be terminated.
6. The BSCC shall develop and implement a lead management plan which will include a recovery and recycling program that is site specific to the range utilizing EPA’s “BMP’s for Lead at Outdoor Shooting Ranges”. The plan should be completed within 180 days of permit issuance and shall be on file with a copy of the CUP. Lead shot shall not be allowed to discharge into the Middle Fork of the Zumbro River or floodplain wetlands.
7. When required, Zoning Permit shall be obtained prior to any construction.

- 8. All waste generated on site shall be properly disposed of in accordance with the Dodge County Solid Waste Ordinance and MPCA rules.
- 9. The BSCC shall comply with Minnesota Statutes 87A.05 (Noise Standards).

CUP #14-06
(Amended)
Approved -
Continued

Motion adopted unanimously.

VZ Hogs, LLP - CUP #94-18 (extension) was reviewed.

CUP #94-18
(Extension)
Approved

Motion by Erickson seconded by Allen to approve of the following action of the Planning and Zoning Commission as reviewed on April 6, 2016 with the reasons, recommendations and conditions as found in the individual permit:

VZ Hogs, LLP - CUP #94-18 (extension)

The Planning Commission recommends approval of a one year extension. Conditional Use Permit #94-18 would be extended from August 12, 2016 to August 12, 2017 with the following conditions:

- 1. A Dodge County Zoning Permit shall be obtained before construction of each barn and any additional accessory structures.
- 2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
- 3. All recommendations of the Feedlot Advisory Report dated 6/30/14 completed.
- 4. A copy of the appropriation permit from Minnesota DNR (when required) shall be submitted to Department for feedlot file and to include with a copy of the CUP.

Motion adopted unanimously.

Zoning Administrator Melissa DeVetter discussed with the Board a potential flood acquisition project. The property in questions is parcel 10.015.1500, 54004 190th Avenue, West Concord, MN.

Flood Acquisition
Approved for Parcel
10.015.1500

Ms. DeVetter reported the applicants originally came to the county to obtain a Zoning Permit to replace the existing dwelling located upon the site. However, based upon review of the FEMA Floodplain maps, and HEC-RAS modeling performed by the Minnesota Department of Natural Resources, the property is below the Base Flood Elevation. As a result of current FEMA regulations of the National Flood Insurance Program, as well as the recently passed Biggert-Waters Act (2012), reconstruction on this property faces numerous and potentially costly issues.

The property was initially acquired over twenty years by the applicants. At that time the flooding of the property had not been disclosed to them. Since that time they have experienced many flooding events. Based upon conversation with the applicants, the frequency and height of the flooding has increased over time. Included in the Board packet were pictures from the applicant’s property on flooding that has occurred since 2002, when they began documenting the events. The applicant was unaware that there were funds available during non-disaster times for acquisition of structures therefore this option was never previously explored.

Upon request of the landowner, Environmental Services staff contacted the Department of Homeland Security and Emergency Management and Minnesota DNR to inquire if there are funds available for acquisition. Both agencies have indicated that funds are available which would cover 100% of the cost of acquisition, demolition, abatement (if required) disposal, abandonment of the on-site sewage treatment system and well and restoration of the site. As a result, no local match or other contribution would be required.

Flood Acquisition
Approved for Parcel
10.015.1500 -
Continued

Ms. DeVetter noted this is a reimbursement grant which means the county would be reimbursed on a quarterly basis costs expended during the acquisition project.

Similar to the other grant under the State’s Flood Damage Reduction program, Dodge County would need to apply on behalf of the landowner. After acquisition, the land would need to be owned by a public entity (Dodge County or other) and only open space uses would be allowed.

Motion by Erickson seconded by Tjosaas to approve and authorize Dodge County to apply for the Flood Damage Reduction and Pre-Disaster Mitigation grants for the purpose of acquiring frequently flooded parcel 10.015.1500. Also included in the motion was authorization for the Zoning Administrator to act, sign, procure and administer all aspects of the grant on the county’s behalf.
Motion adopted Gray, Tjosaas, Erickson, Allen aye, Peterson nay.

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

Public Safety
Committee Report

The Board reviewed the Drug Court Coordinators request to approve a donation from the Hubbell House.

Drug Court Program
Donation Approved
by Resolution
#2016-17

The Hubbell House recently donated four \$25.00 gift certificates to the Dodge County Drug Court to be distributed to future program graduates.

Commissioner Allen offered the following resolution (#2016-17), seconded by Commissioner Tjosaas:

Drug Court Program Donation

WHEREAS, the Dodge County Drug Court receives donations from time to time from individuals and/or organizations; and

WHEREAS, Drug Court wishes to accept these donations and utilize them for the purpose of incentives for Dodge County Drug Court participants; and

WHEREAS, pursuant to Minnesota Statute 465.03, the county shall by resolution of the governing body adopted by a two-thirds majority of its members accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor.

NOW THEREFORE BE IT RESOLVED, that the Dodge County Board of Commissioners hereby accept the following donation to be used for incentives for participants of the Dodge County Drug Court Program:

Hubbell House - \$25 gift certificates (four)

Resolution adopted unanimously.

The Board discussed Sheriff Scott Rose’s request to purchase a radio amplifier for the Courthouse.

The Sheriff’s Office has been having problems communicating with their portable radios in the courthouse so they had Motorola come in (at no charge) and do signal testing throughout the building. Motorola determined the lower level at MNPrairie and the lower level of the courthouse have little or no signal in many areas. Motorola also determined the signal in parts of the annex and the main floor of the courthouse also have poor signal areas.

One of the biggest concerns to the Sheriff’s Office is the lack of signal in the lower level of the courthouse where they hold inmates. Their portable radios are unable to connect with their radio repeater system from that floor. This is obviously a major safety concern for them. The Sheriff’s Office Transport Deputies are unable to communicate with Courthouse Security or Dispatch on the repeater system if there are problems with inmates in holding or in the elevator. They are also having problems with cell phones working downstairs as well, which limits their options.

The other areas of the courthouse that have low signal are of great concern to them too. Their concern here is for the safety of their staff as well as county staff that are in need of assistance. Deputies cannot communicate on the radio repeater system with Dispatch or Courthouse Security in the event of a problem in these areas; medical emergency, uncooperative citizen, etc.

Worst case scenario here is a mass casualty event like an active shooter. The Sheriff’s Office would not be able to communicate with those Deputies responding to the threat in many parts of the building.

Dispatch Supervisor Mike Burton has found grant funding available from the state that would match 50% of the cost of this project. Motorola’s Bi-Directional Amplifier project would increase signal strength to acceptable levels in all areas of the courthouse. The cost of the proposed radio amplifier is \$19,494.25, Dodge County’s portion of the cost would be \$9,747.13 with the remainder coming from grant funding.

Commissioner Allen and Commissioner Peterson indicated that they would prefer to wait and see if any money is left over from the construction projects that could be used to purchase an amplifier for the Courthouse.

Commissioner Erickson provided some background history on the problems the county has had with radio coverage in the past.

Commissioner Gray asked the Finance Director to discuss possible ways to pay for the purchase if the county decides to move forward with the request.

Drug Court Program
Donation Approved
by Resolution
#2016-17 -
Continued

Radio Amplifier
Purchase
Discussion

Ms. Kramer discussed unanticipated revenue that may be available for the purchase of an amplifier.

Radio Amplifier
Purchase
Discussion -
Continued

It was the consensus of the Board they needed additional time to determine if funds would be available in the Building Fund to purchase an amplifier for the Courthouse.

Motion by Peterson seconded by Allen to table the Sheriff’s request to move forward with purchasing a Bi-Directional Amplifier for the courthouse.

Radio Amplifier
Purchase Tabled

Motion adopted unanimously.

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 approve a Mitel phone project.

Highway
Department Mitel
Phone Project
Approved

The IT department would like to have the Highway Department implement the same phone system as the rest of the county facilities. This consists of installing an upgraded system from Mitel. It is expected there would be a cost savings to the Highway Department by allowing them to disconnect their current phone line and the Wide Area Network (WAN) line. The implementation of the Mitel phone system uses the internet and would also allow IT to maintain and upgrade as necessary.

The purchase of the phones is approximately \$5,400 and the installation and setup fee is approximately \$1,500. The Highway Department does not have this expenditure budgeted in the 2016 budget. The department does have available dollars in the Minor Equipment areas of Administration and Engineering that may be used for this purchase.

Motion by Peterson seconded by Allen to approve and authorize re-budgeting of needed dollars and the purchase and setup of a Mitel Phone System for the Highway Department as presented. *Motion adopted unanimously.*

The Board discussed the County Engineer’s request to donate a picnic pad at the Seminary Park.

Picnic Pad Donation
at Seminary Park
Approved by
Resolution #2016-18

Dale Morris, a resident very active in the Seminary Park project and Civil War Memorial in Wasioja, recently passed away. Mr. Morris’ family would like to donate a picnic pad in his memoriam at Seminary Park. Dale Morris’ son, the owner of Morris Concrete, has proposed and offered to donate the concrete and installation of a 16’X16’ picnic pad at Seminary Park.

The pad would be located just north of the memorial pavers already on-site. The Highway and Parks Department would place and prep the sight with fill and gravel base prior to concrete installation.

Commissioner Peterson offered the following resolution (#2016-18), seconded by Commissioner Erickson:

Picnic Pad Donation at Seminary Park

Picnic Pad Donation
at Seminary Park
Approved by
Resolution #2016-18
- Continued

WHEREAS, the Dodge County Highway Department has been informed that Dale Morris’ family would like to donate a picnic pad at the Seminary Park in Wasioja in his memory; and

WHEREAS, the Dodge County Highway Department wishes to accept this donation and utilize it for the purpose of enhancing the Seminary Park; and

WHEREAS, pursuant to Minnesota Statute 465.03, the county shall by resolution of the governing body adopted by a two-thirds majority of its members accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor.

NOW THEREFORE BE IT RESOLVED, that the Dodge County Board of Commissioners hereby accepts the following donation to be used for the Wasioja Seminary Park:

Dale Morris Family, Dodge County, MN \$ 1,250.00
(16’ X 16’ Concrete Pad)

Resolution adopted unanimously.

The Board reviewed the County Engineer’s request to approve a resolution opposing the Zip Rail Project.

Zip Rail Opposition
Reaffirmed by
Resolution #2016-19

Olmsted County and MnDOT have been working on an Environmental Impact Statement (EIS) for a potential high speed rail known as the Zip Rail. Their study was looking at numerous rail alignments between the Twin Cities and Rochester. There was a Technical Advisory Committee meeting on January 28, 2016 to review and discuss an Alternatives Analysis Report for the Investment Plan and Tier 1 EIS where it was announced that MnDOT has suspended all work on this EIS. Once this announcement was made, there was discussion about the contents of the report or the numerous routes under consideration.

This phase of Alternatives Analysis was performed at a high level, meaning that broad reaching criteria are used to eliminate alternatives. The report contains numerous generic statements claiming that several routes are consistent with local plans, that these routes do not negatively impact local plans, or were developed based on input from local sources. The County Engineer believes the Dodge County Board of Commissioners should clarify that they do not agree that the concept of the Zip Rail or any proposed routes are consistent with County plans, that the project and proposed routes will have a negative impact to the County, and that the alternate routes were not developed based on supportive input from Dodge County.

Considering this project is suspended (vs. canceled) there is a possibility that it could be restarted by Olmsted County and/or MnDOT, or another entity. In fact, MnDOT has announced that a private firm is considering a similar rail project between the Twin Cities and Rochester.

Members of the public and staff are concerned that someone could pick up the Alternatives Analysis Report and based on these broad generic statements assume that Dodge County is supportive of the Zip Rail project. Therefore Staff is asking the Board to consider the proposed resolution.

*Zip Rail Opposition
Reaffirmed by
Resolution #2016-19
- Continued*

Commissioner Erickson felt this subject has been addressed numerous times in the past and it was unnecessary to reaffirm our position with another resolution.

Commissioner Peterson offered the following resolution (#2016-19), seconded by Commissioner Allen:

Zip Rail Opposition Reaffirmed

WHEREAS, the Minnesota Department of Transportation, in conjunction with the Olmsted County Regional Rail Authority, proposed a Rochester to Twin Cities High Speed Passenger Rail project (i.e., Zip Rail); and

WHEREAS, the Minnesota Department of Transportation Passenger Rail Office, again in conjunction with the Olmsted County Regional Rail Authority, has announced the suspension of the Zip Rail project after the release of its Alternatives Analysis Report for the Investment Plan and Tier 1 EIS; and

WHEREAS, despite that suspension, the North American High Speed Rail Group, a private company, has expressed an interest in building a high speed passenger rail line from the Twin Cities to Rochester; and

WHEREAS, one of the high speed rail project's proposed routes, by description and level of analysis, encompass the Townships, Cities and private property of Dodge County residents; and

WHEREAS, the Cities, Townships, and Farm Coops of Dodge County have passed numerous resolutions opposed to this potential Zip Rail project; and

WHEREAS, Dodge County wishes to clarify that any statements in the Alternative Analysis Report that claim any alignment was supported or preferred by, or not in contradiction to 'local agencies' or 'local plans' is not referring to Dodge County; and

WHEREAS, the Dodge County Comprehensive Land Use Plan does not comment on unusual projects such as the Zip Rail, but Dodge County wishes to clarify that this project is not consistent with local plans and that it is presumptuous and downright wrong to imply passive support for a project simply because the County's Comprehensive Plan is mute to the issue; and

WHEREAS, Dodge County is updating the Comprehensive Land Use Plan and intends to include language so developers of other unusual projects cannot assume Dodge County supports a project simply because the Comprehensive Land Use Plan is mute to the issue; and

WHEREAS, the current plan for the Zip Rail includes no stations within Dodge County or any other known beneficial impacts for Dodge County; yet it would create substantial and unacceptable adverse Environmental, Economic, and Social impacts on the lands and citizens of Dodge County;

NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Commissioners hereby declares that there is no support for, and there is opposition to the Zip Rail as presented in past meetings, past reports, or as envisioned in the last document before the study was suspended, specifically the Alternatives Analysis Report for the Investment Plan and Tier 1 EIS; and,

Zip Rail Opposition
Reaffirmed by
Resolution #2016-19
- Continued

FURTHERMORE, BE IT RESOLVED, that the Dodge County Board of Commissioners directs staff to submit this resolution to project managers of the Zip Rail study and request that this resolution be filed in the official record for this study so that anyone who considers a continuation of this study, or considers to begin a similar study of a similar project through Dodge County fully understands that the Dodge County Board of Commissioners does not in any way, shape or form support the Zip Rail project as it existed before being suspended in February 2016.

Resolution adopted Gray, Tjosaas, Peterson, Allen aye, Erickson nay.

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

Administration
Committee Report

Motion by Erickson seconded by Peterson to approve and authorize the March 22, 2016 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

03/22/16 Committee
of the Whole
Meeting Minutes
Approved

Motion by Tjosaas seconded by Peterson to approve and authorize the March 22, 2016 meeting minutes as presented. *Motion adopted unanimously.*

03/22/16 Meeting
Minutes Approved

The Board reviewed the Facilities and Fleet Manager’s request to approve two cell phone stipends.

Cell Phone Stipends
Approved for
Maintenance Staff

With the Maintenance Department taking care of multiple facilities they have employees at remote sites and the only way to communicate with them is on their personal cell phone. Mr. Harbaugh is requesting a cell phone stipend for Greg Thoe and Clyde Trisko, both for \$30.00 a month.

Motion by Peterson seconded by Allen to approve and authorize cell phone stipends of \$30.00 a month for Greg Thoe and Clyde Trisko as requested. *Motion adopted unanimously.*

Agency Reports

Commissioners provided their agency reports. Commissioner Allen attended a Transportation meeting. Commissioner Erickson attended a SCHA Joint Powers Board meeting, spoke at a meeting at the State Capital regarding a bill on County Based Purchasing, attended a Dodge County Planning & Zoning meeting and a Workforce Development Board meeting. Commissioner Gray attended a Regular County Board meeting, a Dodge County Historical Society meeting, a SCHRC meeting, an AMC Transportation Regional meeting, a Parks and Trails meeting, a meeting with Matt Schmitt, a Court Security Committee meeting and a Planning Commission meeting. Commissioner Peterson attended an Ag Law Seminar, a IWIP Board meeting, the Dodge County Expo, a Hiawatha Valley meeting and a Fair Board meeting. Commissioner Tjosaas attended a SCHRC meeting, a Dodge County Business Expo, a Planning & Zoning meeting and a Semcac meeting.

Motion by Peterson seconded by Tjosaas to adjourn the meeting at 11:51 a.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on March 26, 2016 at 5:00 p.m. CST.

Next Regular Meeting

ATTEST:

STEVEN GRAY
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: