

TUESDAY, AUGUST 9, 2016

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2015-16

The Dodge County Commissioners met in regular session August 9, 2016, in the Commissioner's Room at the Dodge County Government Services Building, Mantorville, MN, at 9:30 a.m. CDT. Chair Steven Gray called the meeting to order at 9:30 a.m. CDT.

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: | Paula Rud | Administrative Assistant |
| | Lisa Kramer | Finance Director |
| | Paul Kiltinen | County Attorney |

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

Agenda Approved

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

Consent Agenda
Item Approved

- 1.1 Four-Day Temporary On-Sale Liquor License for the Dodge County Agricultural & Mechanical Society effective September 7 - 10, 2016 pending the approval of the County Sheriff and County Attorney.

Motion adopted unanimously.

Zoning Administrator Melissa DeVetter met with the Board to discuss a proposed resolution related to S.F. 2555.

S.F. 2555 Opt-Out
Approved by
Resolution #2016-33

During the 2016 legislative session, the above law, amending Minnesota Statutes 394 establishes a new class of permit, statutory timeframe, and review process for a single use (temporary health care dwellings). This law mandates a specific product be a permitted use on every property with a residence in every city, county, and township in the State of Minnesota.

The Minnesota Association of County Planning and Zoning Administrators as well as building officials had many issues with this unique legislation which was discussed at the July 26, 2016 Committee of the Whole meeting.

The law does have a provision for counties and cities to opt out of the statutory requirements by resolution. In discussions with other counties, most indicate that they already address this issue through a Conditional Use Permit (CUP) or Interim Use Permit (IUP), similar to Dodge County, and will opt out of the requirement.

S.F. 2555 Opt-Out
Approved by
Resolution #2016-33
- Continued

Included in the Board packet was a proposed resolution for opting out of this law.

Commissioner Erickson offered the following resolution (#2016-33), seconded by Commissioner Peterson:

**Resolution Opting – Out of the Requirements of Minnesota Statutes,
Section 394.307**

WHEREAS, on May 12, 2016, the Governor of Minnesota signed into law Chapter 111 of the 89th Legislature of the State of Minnesota establishing definitions and requirements for Temporary Family Health Care Dwellings, which was introduced during the 2016 legislature session as Senate File 2555 and House File 2497; and

WHEREAS, Chapter 111 amends Minnesota Statute § 394 which regulates county permitting and zoning processes by establishing new rules for the placement of Temporary Family Health Care Dwellings on residential property; and

WHEREAS, Dodge County and the Minnesota Association of County Planning and Zoning Administrators, the professional association for county planning and zoning staff in Minnesota, supports the concept of Temporary Family Health Care Dwellings; and

WHEREAS, Chapter 111 erodes local control of the permitting process; limiting a county's ability to foster and guide development, and placing undue burden on the county to forego standard permitting practices; and

WHEREAS, Chapter 111 does not consider administration or consider political and financial costs to implement and enforce the requirement; and

WHEREAS, Chapter 111 erodes transparency and denies the townships and property owners in the area to provide input, information or comment through a public process; and

WHEREAS, Chapter 111 would require zoning staff to review and maintain private and sensitive individual data subject to HIPAA (Health Insurance Portability & Accountability Act) in order to implement the statutory requirement; and

WHEREAS, the “drop home/granny pod” structure does not appear to adequately address the unique aspects of sewage treatment and disposal in unincorporated areas that are not served by municipal utilities;

WHEREAS, the structures are not required to meet applicable building codes that all dwellings in the State of Minnesota must meet which risks the health and safety of the individuals occupying the structures; and

S.F. 2555 Opt-Out
Approved by
Resolution #2016-33
- Continued

WHEREAS, Section 16.19.1.F of the Dodge County Zoning Ordinance already prohibits the use of recreational vehicles/camper trailers to be used as a residence or dwelling unit; and

WHEREAS, Dodge County already adequately addresses the need for “Temporary Family Health Care Dwellings” through an Interim Permit for “Temporary Second Dwelling Units” which does not require an intrusion on the persons mental or physical health issues/status; and

WHEREAS, Dodge County’s Interim Use Permit can be granted for 5 years, with a possible extension to 10 years; and

WHEREAS, it is the intent of the Dodge County Board of Commissioners to protect the public health, safety, and general welfare of County residents and the environment of the County; and

WHEREAS, subdivision 9 of Minnesota Statute § 394.307 allows a county to “opt-out” of the regulations through the passage of a county board resolution.

NOW THEREFORE BE IT RESOLVED, Dodge County elects to regulate Temporary Family Health Care Dwellings through already existing permitting standards of the Dodge County Zoning Ordinance; and

BE IT RESOLVED, pursuant to authority granted by Minnesota Statutes, Section 394.307, Subdivision 9, the County of Dodge opts-out of the requirements of Minnesota Statute 394.307, which defines and regulates Temporary Family Health Care Dwellings.

Resolution adopted unanimously.

Zoning Administrator Melissa DeVetter presented for the Board’s consideration the August 3, 2016 Planning Commission recommendations.

IUP #16-04
Approved

Joel Bigelow – IUP#16-04 was discussed.

Motion by Allen seconded by Peterson to approve of the following action of the Planning and Zoning Commission as reviewed on August 3, 2016 with the reasons, recommendations, and conditions as found in the individual permit:

Joel Bigelow – IUP#16-04

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 proposed parcel will be a 4 acres split from 20 acres located in the SW ¼ of the SE ¼ of Section 9 Mantorville Township. Joel Bigelow is the applicant and Dorothy Benson is 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.
4. Driveway access permit/approval shall be obtained from Dodge County.
5. An address shall be obtained from the Dodge County Highway Department.

IUP #16-04
Approved -
Continued

Motion adopted unanimously.

J & D Schrom Properties, LLC – CUP#10-07 (amend) was reviewed.

CUP #10-07
(Amend) Approved

Motion by Erickson seconded by Allen to approve of the following action of the Planning and Zoning Commission as reviewed on August 3, 2016 with the reasons, recommendations, and conditions as found in the individual permit:

J & D Schrom Properties, LLC – CUP#10-07 (amend)

The second public hearing is to consider a request to amend a Conditional Use Permit #10-07 to allow an expansion to include the acquired property for the use of outdoor storage of the equipment involved of an Ag Related Business in the Agricultural District. The property is 9.5 acres located in the SW 1/4 of the SW 1/4 of Section 16, Claremont Township. J & D Schrom Properties, LLC are the applicant and the property owners.

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.
2. The sign advertising the business shall not exceed sixteen (16) square feet and shall be setback a minimum of ten (10) feet from the right-of-way. Lighted signs are prohibited.
3. Any change involving the addition of new business related structures or employees beyond that specified in the agreement/application on file with the CUP, enlargement, intensification of the use or similar changes not specifically permitted by the CUP shall require an amended CUP to be issued.
4. The business shall comply with the conditions of this permit and the information provided on the scope of the operation submitted during the application, which shall be recorded with the CUP.
5. A Zoning Permit shall be obtained prior to any construction.
6. All tanks regulated by MPCA shall be registered and comply with Minnesota Rules Chapter 7151, or successor.

Motion adopted unanimously.

Luke Scherger – CUP#08-10 (amend) was reviewed.

CUP #08-10
(Amend) Approved

Motion by Allen seconded by Erickson to approve of the following action of the Planning and Zoning Commission as reviewed on August 3, 2016 with the reasons, recommendations, and conditions as found in the individual permit:

Luke Scherger – CUP#08-10 (amend)

CUP #08-10
(Amend) Approved -
Continued

The third public hearing is to consider an amendment to Conditional Use Permit #08-10 to allow an expansion of existing feedlot to a capacity of 7,500 head of finishing hogs or 2,250 animal units. The expansion will include a two new confinement buildings approximately 51'x192' and 102'x192' in size with a beneath barn 8 foot concrete pit for manure storage on both barns. The property is 5 acres located in the NE 1/4 of the NW 1/4, of Section 31, Wasioja Township. Luke Scherger is the applicant and the property owner.

The Planning Commission recommends approval with the following conditions:

1. Dodge County Zoning Permits shall be obtained before construction of the barns.
2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
3. Recommendations of the feedlot Advisory Report dated 7/7/16.

Motion adopted unanimously.

The Board received written comments from the Dodge County Concerned Citizens group regarding CUP #08-10, this information was also presented to the Planning Commission for their review.

LeeRoy Bordelon, Jr. – IUP#16-05 was reviewed.

IUP #16-05
Approved

Motion by Allen seconded by Peterson to approve of the following action of the Planning and Zoning Commission as reviewed on August 3, 2016 with the reasons, recommendations, and conditions as found in the individual permit:

LeeRoy Bordelon, Jr. – IUP#16-05

The fourth 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 40 acres located in the SE ¼ of the SE ¼ of Section 12 Mantorville Township. LeeRoy Bordelon, Jr. is the applicant and Connie Bordelon is 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.
4. Driveway easement granting access to Ms. Bordelon's property to the south be recorded on the parcel prior to issuance of the Zoning Permit.
5. An address shall be obtained from the Dodge County Highway Department.

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

Zoning Amendment – ZA#16-02 was reviewed.

ZA #16-02 Approved
by Resolution
#2016-34

Zoning Amendment – ZA#16-02

The fifth public hearing is to consider a Zoning Amendment to the Dodge County Zoning Ordinance. The proposal is to add language for Chapter 4: Rules and Definitions.

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

Commissioner Allen offered the following resolution (#2016-34), seconded by Commissioner Peterson:

Zoning Ordinance Amendment – Chapter 4, (Rules and Definitions)

WHEREAS, the Dodge County Zoning Ordinance periodically needs to be amended to reflect new and evolving technologies and current approved practices; and

WHEREAS, there is an interest in utilizing new technologies for odor mitigation; and

WHEREAS, there are other air quality/odor mitigation technologies which Dodge County currently does not recognize; and

WHEREAS, the County Board has already approved alternatives for odor mitigation under current permitting practices; and

WHEREAS, the draft language was reviewed by the County Attorney and found to be acceptable; and

WHEREAS, the Planning Commission reviewed the draft proposed language and directed County Staff to bring the proposed language to public hearing; and

WHEREAS, a summary of the language to be added to Chapter 4 (Rules and Definitions), has been published in the legal newspaper July 20, 2016 and posted upon the county website; and

WHEREAS, a public hearing on the proposed amendments was held by the Dodge County Planning Commission on August 3, 2016; and

WHEREAS, the Planning Commission recommended approval of the proposed Chapter 4 amendment to the Dodge County Board of Commissioners; and

WHEREAS, the Dodge County Board of Commissioners adopted the proposed amended Chapter 4, at its August 9, 2016, meeting.

THEREFORE BE IT RESOLVED, that the County Board of Dodge County hereby adopts the amendment to Chapter 4 (Rules and Definitions).

Resolution adopted unanimously.

Betty Stoflet – IUP#15-05 (extension) was reviewed.

IUP #15-05
(Extension)
Approved

Motion by Erickson seconded by Allen to approve of the following action of the Planning and Zoning Commission as reviewed on August 3, 2016 with the reasons, recommendations, and conditions as found in the individual permit:

Betty Stoflet – IUP#15-05 (extension)

The Planning recommends approval of a one year extension. IUP #15-05 would be extended from August 11, 2016 to August 11, 2017 with the following conditions:

1. Submit and Erosion Control Plan in accordance with Section 17.11 and 17.25 prior to construction if proposed construction is on slopes 12% or greater.
2. A Dodge County Zoning Permit shall be obtained before construction.
3. The Agricultural Use Covenant shall be signed and recorded in the Dodge County Recorder's Office prior to issuance of the Zoning Permit.
4. The sewage treatment system must meet the requirements of Dodge County's Subsurface Sewage Treatment Ordinance No. 4.
5. Access drive shall meet the requirements of Milton Township.
6. An address shall be obtained from the Dodge County Highway Department.

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

Finance Director Lisa Kramer reviewed bills with the Board.

Bills Approved

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 | \$ | 14,309.68 |
| 13 | Road and Bridge Fund | \$ | 37,356.07 |
| 16 | Environmental Quality Fund | \$ | 83,121.02 |
| 80 | Agency Fund | \$ | <u>1,570.00</u> |
| | Total | \$ | 136,356.77 |

Motion adopted unanimously.

Zumbro Watershed Partnership Chair Brett Ostby presented for the Board's consideration a Zumbro Watershed Partnership (ZWP) update and funding request.

Zumbro Watershed
Partnership Update
& Funding Request

Sarah Duke Middleton, ZWP Executive Director was available to comment on the update and answer questions.

The Zumbro Watershed Partnership is seeking funding from counties to support their operational costs which include rent, utilities, and office staff salaries.

The Zumbro Watershed Partnership was incorporated as a 501(c)3 federal nonprofit in 2005 by citizens of Dodge and neighboring counties who wanted their governments to work together more effectively toward addressing problems afflicting our rivers and lakes. The Zumbro Watershed drains six counties; each county has a separate plan for the watershed. Regulatory authority and funding to address pollution and reduce flooding are distributed across a plethora of federal, state and local governmental entities, including but not limited to the National Resource Conservation Service (NRCS), Minnesota Pollution Control Agency (MPCA), Minnesota Board of Water and Soil Resources (BWSR), Dodge Soil and Water Conservation (SWCD) and Dodge County Environmental Services. ZWP facilitates coordination among these entities and many other partners to secure grants, educate the public, and effect change.

Zumbro Watershed
Partnership Update
& Funding Request -
Continued

The Zumbro Watershed Partnership Board is comprised of County Board and SWCD representatives from each county as well as 13 citizen members from throughout the watershed. Dodge County representatives are currently Steve Gray, Bill Thompson, Jim Hruska, Roger Toquam, and Duane Alberts. Adam King also attends board meetings regularly.

McKnight Funding: For the past decade, the McKnight Foundation has provided ZWP operational funding. Previous contributions have included:

| | |
|------|----------|
| 2008 | \$50,000 |
| 2009 | \$50,000 |
| 2010 | \$50,000 |
| 2011 | \$50,000 |
| 2012 | \$45,000 |
| 2013 | \$45,000 |
| 2014 | \$25,000 |
| 2015 | \$25,000 |

The Zumbro Watershed Partnership maintains some funds for the purpose of cash flow since many projects require that they wait for reimbursement from approved funding sources. With the generous McKnight support coming to an end, ZWP is seeking financial assistance from each of the counties they serve.

After a long discussion and on advice from various county staff, ZWP decided that their operational funding request to counties should be based on the percentage of watershed land within each county. This is similar to how the Mississippi-Winona Watershed Joint Powers Board receives funding from area counties.

The Zumbro Watershed Partnership request is as follows:

Total Zumbro Watershed Partnership 2016 Funding Request: \$40,000

Division by percentage of watershed acres in each county:

| | |
|---------------------------------|----------|
| Olmsted County 26% of Watershed | \$10,400 |
| Dodge County 26% of Watershed | \$10,400 |
| Wabasha County 24% of Watershed | \$9,600 |
| Goodhue County 20% of Watershed | \$8,000 |
| Rice County 2% of Watershed | \$800 |
| Steele County 2% of Watershed | \$800 |

Zumbro Watershed Partnership Update & Funding Request – Continued

This request is the minimum they need to continue daily operations. The historic return on investment (ROI) for dollars invested with ZWP through donations is 20:1.

ZWP plans to continue as a watershed partnership and remain a separate entity. They would continue to receive funding from memberships, donations, and public and private grants.

State grants cover the costs of the project and include a small administrative fee; however, generally these funds cannot be used for operational costs such as utilities, rent, and their office staff salaries. The Zumbro Watershed Partnership would use the financial support provided by the counties to fund these operation costs.

The Board thanked Mr. Ostby for the information.

David Drown Associate Gary Weiers provided the Board with a Kronos HRIS Update.

Kronos HRIS Update

The Board thanked Mr. Weiers for the update.

Mr. Weiers discussed with the Board the County Administrator recruitment timeline/salary.

County Administrator Recruitment Timeline/Salary Discussed

The Board thanked Mr. Weiers for the report.

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

Personnel Actions Approved

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

A. Sheriff’s Office

- A.1 David Crable – Deputy Sheriff
Annual review.
Effective Date: 4/27/16
- A.2 Kara Schmidt – 911 Dispatcher
Step increase from B22 Step 1 \$17.20 to B22 Step 2 \$17.70.
Effective Date: 6/23/16
- A.3 Tanya Wunderlich – 911 Dispatcher
Step increase from B22 Step 6 \$19.94 to B22 Step 7 \$20.54.
Effective Date: 7/1/16

- A.4 Dawn Frieberg – 911 Dispatcher
Step increase from B22 Step 10 \$22.55 to B22 Step 11 \$23.11.
Effective Date: 6/28/16
- A.5 Tyler Vermeersch – Deputy Sheriff
Step increase from C41 Hire Step \$20.42 to C41 12 month step \$21.85.
Effective Date: 10/31/15

Personnel Actions
Approved -
Continued

Motion adopted unanimously.

The Chair recessed the meeting at 10:42 a.m. CDT.

Meeting Recessed

The Chair reconvened the meeting at 10:48 a.m. CDT.

Meeting
Reconvened

Facilities and Fleet Manager Duke Harbaugh presented for the Board's consideration a request to approve a Solar Garden Agreement.

Solar Garden
Agreement
Approved

Mr. Harbaugh has received the cost savings analysis from Solar Stone for both 100% load and 50% load. With technology changing and renewable power becoming more and more popular the Facilities and Fleet Manager and Environmental Services Director thought it may be in the county's best interest to only contract 50% of the county's total load with Solar Stone leaving us with the other half for future consideration. As was discussed in the last two meetings there is no other option beside the 25 year contract and contracting 50% of the county's total load would save the county roughly \$383,516 over the 25 year period.

Mr. Harbaugh and Mr. Gamm are recommending the Board approve a 25 year contract with Solar Stone for 50% of the county's energy load.

Motion by Peterson seconded by Tjosaas to approve and authorize the county to enter into a 25 year Solar Garden Agreement with Solar Stone for 50% of the county's total energy load as presented. *Motion adopted unanimously.*

Director of Land Records Ryan DeCook discussed with the Board his request to combine property in the Village of Concord.

Combination of
Property in Village of
Concord Approved

In 2015 Concord Township officially vacated many of the platted streets and alleys in the Village of Concord. After vacating the streets and alleys Dodge County created parcel records for each of the neighboring property owners that received land. This resulted in 34 new parcels. Each property owner is currently receiving a new tax statement for the land that they received. The new tax statements have created confusion for the land owners as these are very small parcels which have very little value.

The Township Board gave Land Records consent to request the County Board to combine all the vacated property in the Village on Concord with the appropriate neighboring property at a public meeting on June 9 with the exception of one specific property where the two owners need to work out ownership on their own. Included in the Board packet was a list of the property that was vacated in 2015 or found to be vacated as a result of Land Records research in 2015. There is no fee for combination of property in this instance.

Land Records is asking the County Board to declare that the combination of this property will not have any negative impact to the property rights of the property owners and approve the combination of the effected property.

Combination of Property in Village of Concord Approved - Continued

Motion by Allen seconded by Peterson to approve the combination property in the Village of Concord as presented with no negative impact to the property rights of the property owners. *Motion adopted unanimously.*

Senator Matt Schmit provided the Board with a legislative update.

Legislative Update

It was noted Senator Schmit has provided legislative updates to the Dodge County Board every year after session concludes since he took office. The purpose of his visit was to inform the Board about major initiatives at the Capitol, provide an update on issues specific to the area, and answer any questions Commissioners might have about his work at the legislature.

The Board thanked Mr. Schmit for the update.

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

Legal Update

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

Administration Committee Report

Motion by Erickson seconded by Allen to approve and authorize the July 26, 2016 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

07/26/16 Committee of the Whole Meeting Minutes Approved

Motion by Allen seconded by Peterson to approve and authorize the July 26, 2016 meeting minutes as presented. *Motion adopted unanimously.*

07/26/16 Meeting Minutes Approved

Commissioners provided their agency reports. Commissioner Allen attended a Zoning meeting and a Township Officers meeting. Commissioner Erickson attended a workshop on State Buffer Laws, a Dodge County Planning Commission meeting, a SCHA Joint Powers Board meeting, a retirement reception for the Chief Financial Officer for South Country, a Dodge County Township Officers meeting, a County Board meeting and the Primary Elections. Commissioner Gray attended a County Board meeting, a Highway 14 Partnership meeting, a BWSR Q & A Session, a Planning Commission meeting and a Dodge County Township Association meeting. Commissioner Peterson attended a State Buffer meeting, an AI-Corn Celebration, a Township Officers meeting, the Relay for Life and the Claremont Hog Fest. Commissioner Tjosaas attended a Historical Society Luncheon, a Dodge/Steele Community Health Board meeting, the County Fair, a SEMCAC Finance Committee and Board meeting and the Dodge County Relay for Life.

Agency Reports

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

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on August 23, 2016 at 5:00 p.m. CDT.

Next Regular Meeting

ATTEST:

**STEVEN GRAY
CHAIR, COUNTY BOARD**

**LISA KRAMER
FINANCE DIRECTOR**

DATED: