

**TUESDAY, JUNE 27, 2017**

**APPROVED MINUTES OF THE  
COMMITTEE OF THE WHOLE MEETING HELD**

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2017-10 C.O.W.**

The Dodge County Commissioners met in Committee of the Whole June 27, 2017, in the County Board Room at the Dodge County Government Services Building, Mantorville, MN, at 4:30 p.m. CDT. Vice Chair Rodney Peterson opened the meeting at 4:30 p.m. CDT.

Meeting Convened

The Vice Chair acknowledged those present:

Those Present

Members present:	John Allen	District #1
	Rodney Peterson	District #3
	Rhonda Toquam	District #4
	David Kenworthy	District #5
Members absent:	Tim Tjosaas	District #2
Also present:	Jim Elmquist	County Administrator
	Becky Lubahn	Deputy Clerk
	Melissa DeVetter	Zoning Administrator
	Mark Gamm	Environmental Services Director

Zoning Administrator Melissa DeVetter met with the Board to discuss the buffer law.

Buffer Law  
Discussion

Ms. DeVetter distributed an e-mail from Attorney Paul Reuvers regarding the buffer law.

The Zoning Administrator informed the Board the buffer law was recently amended for clarification in 2016, but otherwise no significant changes have been made.

Dodge County was allocated \$79,644 for enforcement of the buffer law in FY18 and \$99,555 in FY19 but this amount will be reduced by an unknown amount if Cedar River Watershed District chooses to implement the buffer law on the public drainage ditches within the Cedar River Watershed District. Watershed Districts receive first priority over public ditches within their watershed district. The county receives first priority over public waters in the county (in and out of the watershed district). It is unknown how much will be allocated in the future and as there are deadlines for compliance which are fairly short term, it is anticipated that this money will be greatly reduced or eliminated once the compliance deadlines are passed.

Ms. DeVetter stated at this time, there is very limited information about how this money can or can't be spent and no information on reporting requirements. However, this money is not structured as a grant through BWSR, which should be a positive thing. It is supposed to be similar to county program aid and not the Natural Resources Block Grant. However, it is not expected that the legislature would be uninterested in how counties are spending the money.

Ms. DeVetter reported Dodge County is one of a handful of counties that have been enforcing the 50 foot agricultural buffer which is part of the shoreland rules (Minnesota Rules 6120) and Chapter 14 of the Dodge County Zoning Ordinance since the fall of 2007. Most properties are currently compliant with the 50 foot buffer requirement. Dodge County currently receives \$2,790 from the Natural Resources Block Grant (with a required 1:1 match) for administering the shoreland which are mandated by the state.

Buffer Law  
Discussion -  
Continued

As the county's assumption of jurisdiction may impact Soil and Water Conservation District (SWCD) workload, Department staff has advised SWCD to also provide information to the County Board on anticipated impacts to SWCD from their perspective.

The county met with Bill Thompson and Adam King of the Dodge SWCD on June 19, 2017 to discuss implications. At the time of their Board meeting, they were not aware of how the funds could be used or if the county was allowed to be more restrictive (only allowing the 50 foot buffer) and not allow alternative practices under the buffer ordinance. Based upon information from both BWSR and DNR, it is an option to assume jurisdiction and only allow the 50 foot buffer or limit the alternatives the county would allow. The county does not need to allow alternative practices, or if it does allow alternative practices, it can choose which ones would be allowed. The SWCD has indicated their Board feels since the county has been enforcing the 50 foot buffer since 2007, allowing the alternative practices would be a step back. The alternative practices would be very difficult to enforce and can change year to year. Dodge County staff concurred.

Initially Environmental Services staff was going to recommend assuming jurisdiction and writing an ordinance to only allow the 50 foot buffer (or other acceptable alternative practice that is relatively easy to enforce). This would have meant the county would receive the funds and these funds could be used for staff, equipment, riparian erosion control or wetland restoration projects, or landowner cost-share for projects that benefit water quality.

Soil and Water Conservation District Manager Adam King was available to answer questions.

Ms. DeVetter informed the Board Environmental Services recommendation has changed in the last ten minutes due to an e-mail from Paul Reuvers regarding conflicts.

The Zoning Administrator addressed questions from Commissioner Allen and Commissioner Toquam.

County Administrator Jim Elmquist pointed out enforcement doesn't begin until November 2018.

Ms. DeVetter concurred that enforcement would begin in November 2018 and noted the county could opt in and out at any time.

Adam King reported the SWCD Supervisors would like to see available ground conservation practices used.

Commissioner Allen wanted to know what the county would be out if they chose to do nothing.

Buffer Law  
Discussion -  
Continued

The Zoning Administrator reported if the county does nothing, SWCD still has their responsibilities, the county wouldn't get the money, and enforcement goes back to BWSR.

Commissioner Allen stated he felt the county should do nothing.

Commissioner Toquam concurred with Commissioner Allen.

Ms. DeVetter informed the Board that based on the new information they have received from Paul Reuvers that she doesn't recommend moving forward with the assumption of jurisdiction.

The Chair adjourned the meeting at 4:58 p.m. CDT.

Meeting Adjourned

**ATTEST:**

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**RODNEY PETERSON  
VICE CHAIR, COUNTY BOARD**

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**BECKY LUBAHN  
DEPUTY CLERK**

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**DATED:**