

**TUESDAY, FEBRUARY 23, 2010**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2010-05**

The Dodge County Board of Commissioners met in regular session February 23, 2010, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CST. Lyle Tjosaas, Chair called the County Board of Commissioners 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 and established that there was a quorum:

Those Present

Members present:	Klaus Alberts	District #1
	Lyle Tjosaas	District #2
	David Erickson	District #3
	Don Gray	District #4
	David Hanson	District #5
Members absent:	None	
Also present:	Jim Elmquist	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Erickson seconded by Gray to approve and adopt the agenda as amended to include the appointment of commissioners to represent Dodge County at Fair Board meetings and Regional Dispatch Center meetings under the Administration Committee report. *Motion adopted unanimously.*

Agenda Approved

Human Services Director Jane Hardwick introduced two new employees in her office, Valerie LaPorte who is the new Social Services Supervisor in her office and Elizabeth Dreier a new Financial Worker. The Board welcomed the two new employees.

New Employee  
Introductions

Building Operations Supervisor Roger Friedt met with the Board to discuss the Annex building evaluation.

Courthouse Building  
Evaluation Approved

In October 2009 the Building Operations Supervisor recommended an evaluation of the Annex to be performed in an effort to gather and document information on the condition of the building systems originally constructed in 1989 - 1990. The Board authorized Yaggy Colby Associates to complete the building evaluation to assess the condition of the 20 year old building envelope, mechanical and electrical systems. Mr. Friedt noted that the request did not include an evaluation of the Courthouse building.

The Building Operations Supervisor informed the Board that the annex evaluation was completed in December 2009. A copy of the evaluation report was included in the Board packet for the Board's review.

Yaggy Colby Associates Director of MEP Services, Rob Gelle and Electrical Engineer Lauri Cook were available to answer questions regarding the evaluation report.

Courthouse Building  
Evaluation Approved  
- Continued

Mr. Friedt noted that there is an exception to the report due to the fact that the electric service is metered by one electric meter for the two buildings. Therefore, the utility energy usage data will need to be revised to either separate out the Courthouse building or incorporate the Courthouse into the study.

The Building Operations Supervisor pointed out that there are advantages to include the Courthouse at this time. Advantages include the following:

- A single heating plant serving both buildings maximizes facility energy savings and minimizes capital costs.
- There are efficiencies to be gained by including both buildings in the current evaluation, decreasing costs.
- Xcel Energy may pay for portions (if not all) of the current evaluation (Annex) as well as the added scope of including the Courthouse.

The Board was provided with a copy of a proposal from Yaggy Colby Associates to include an evaluation of the Courthouse building systems similar to the Annex evaluation criteria. The results of the evaluation will provide the county with accurate energy information for providing options to address improving the aging building systems of the county annex/courthouse complex.

Discussion took place regarding programs offered by Excel Energy and the possibility of receiving grants to help pay for the study or rebates to reduce the cost of equipment replacement.

County Attorney Paul Kiltinen clarified the difference between public and private rebates and grants.

Mr. Friedt informed the Board that he has money in his budget to cover the expense of completing a courthouse building evaluation.

The Board wanted to know when they could expect the courthouse building evaluation report.

Mr. Gelle stated that he may be able to get the draft report done by the end of March.

Motion by Hanson seconded by Alberts to approve and authorize the Chair to sign the Yaggy Colby Associates proposal to perform a courthouse building evaluation at a cost of \$6,500. *Motion adopted unanimously.*

Taxpayer Services Director Rose Culbertson reviewed bills with the Board. Motion by Gray seconded by Hanson to approve the bills as discussed in the following amounts from the appropriate funds as determined by Finance:

Bills Approved

01	Revenue Fund	\$ 74,678.30
11	Human Services Fund	\$ 43.87
13	Road and Bridge Fund	\$ 52,814.38
16	Environmental Quality Fund	\$ 50,715.14
32	County Capital Projects	\$ 544.07
	Total	\$178,795.76

A payment in the amount of \$18.55 to the Petty Cash Fund was pulled; this amount was charged on a credit card and will be paid as an Auditor's Warrant. *Motion adopted unanimously.*

Ms. Culbertson discussed with the Board tax forfeited property appraisals.

Tax Forfeited  
Property Appraisals  
Approved

According to MS 282.01 the County Board must appraise the tax forfeited property for sale or may choose someone else to do the appraisal. The instructions indicated that the County Assessor would be a good choice for this duty.

Motion by Alberts seconded by Erickson to approve and authorize the County Assessor to conduct appraisals on the tax forfeited properties in Dodge County in preparation for their resale. *Motion adopted unanimously.*

Finance Director Lisa Kramer presented for the Board's consideration a 2009 audit engagement letter.

2009 Audit  
Engagement Letter  
Signature Approved

Each year the State Auditors require a signed engagement letter describing the services the auditors will provide and the responsibility of the county. A separate engagement letter will be sent to the Four Seasons Ice Arena.

Motion by Gray seconded by Hanson to approve and authorize the Chair, Finance Officer and County Administrator to sign the 2009 audit engagement letter as requested. *Motion adopted unanimously.*

Ms. Kramer discussed with the Board her request to close the Courthouse Improvement Bonds (CHIB) Debt Fund 37.

Finance Office  
Authorized to Close  
CHIB Debt Fund 37

The Finance Director informed the Board that the county paid off the Courthouse Improvement Bonds Series 2002 February 1, 2009. The county no longer requires this Debt Service Fund and Ms. Kramer is requesting authorization to close the fund out to the Revenue Fund as of December 2009. The cash effect of this action will increase revenue cash by \$7,509.97 and zero out the cash balance in the CHIB Debt Service Fund. All future distributions of delinquent property tax will go to the Revenue Fund.

Motion by Alberts seconded by Erickson to approve and authorize the Finance Office to close out Fund 37, CHIB Debt Service Fund, effective December 31, 2009. Also included in the motion was authorization for the remaining cash balance and future delinquent property tax collections transfer to Fund 01, Revenue Fund. *Motion adopted unanimously.*

Finance Office  
Authorized to Close  
CHIB Debt Fund 37 –  
Continued

Employee Relations Director Lisa Hager presented the Personnel Agenda for the Board's consideration. Motion by Erickson seconded by Gray to approve the following personnel actions:

Personnel Actions  
Approved

**A. Attorney's Office**

- A.1 Eileen Callahan – On-Call Legal Secretary  
Termination – No recent record of hours worked.  
Effective Date: 1/1/10
- A.2 Janet Mahle Hinds – Assistant County Attorney  
Step increase from C43 step 6 \$27.24 to C43 step 5 \$28.49.  
Effective Date: 9/16/09

**B. Human Services**

- B.1 Jodie Marsh – Social Worker – On-Call  
Annual review.  
Effective Date: 3/3/10
- B.2 Robert Pike – Veteran Services Driver  
Termination – No longer available.  
Effective Date: 1/1/10

**C. Extension**

- C.1 Adrienne Hodgman – Administrative Assistant  
Step increase from step A13 6 \$12.46 to A13 step 5 \$12.84.  
Effective Date: 4/24/09

**D. Administration**

- D.1 Janet Tripp – On-Call Clerical  
Termination – No recent record of hours worked.  
Effective Date: 1/1/10

**E. Recorder's Office**

- E.1 Ann Bradford – Deputy Recorder  
Step increase from B22 step 2 \$17.87 to B22 step 1 \$18.40.  
Effective Date: 2/13/10

**F. Highway Department**

- F.1 Dallas Ness – Maintenance Superintendent  
Step increase from C43 step 5 \$28.49 to C43 step 4 \$29.59.  
Effective Date: 2/1/10

*Motion adopted unanimously.*

The Employee Relations Director presented for the Board's consideration the proposed 2010 AFL-CIO Local 49 Highway Department Contract. Ms. Hager noted that the Highway Union has voted and signed the agreement.

2010 Labor  
Agreement with  
AFLCIO Local 49 –  
Highway Union  
Approved

The following is a summary of significant issues:

1. Article XIII Safety Equipment and Clothing Allowance – Increase from \$425 in 2010. This is a \$25 increase.

2. Article XVI Longevity – Added a 25 year longevity increase. Under 2009 contract, after 20 years they get \$.60 longevity and in new contract after 25 years that increases from \$.60 to \$.70.
3. Article XXII Wages and Employment – Increase by 3.1% in 2010 with 60 hours furlough.
4. Attach Memorandum of Understanding to deal with furlough hours.

2010 Labor Agreement with AFLCIO Local 49 – Highway Union Approved - Continued

Motion by Erickson seconded by Hanson to approve and authorize signatures to the 2010 Labor Agreement with AFLCIO Local 49 – Highway union contract and Memorandum of Understanding as presented. *Motion adopted unanimously.*

Commissioner discussed the fact that each of the union contracts that have been settled requested a 3.1% increase for 2010 while the non-union employees took a 0% increase for 2010. In fairness to the non-union employees the Employee Relations Director and County Administrator were asked to address this issue when determining the December 1, 2010 non-union wage scale and bring the non-union employees in line with the rest of the employees.

The Employee Relations Director noted that this is not a problem unique to Dodge County, other counties are experiencing the same dilemma.

Ms. Hager discussed with the Board proposed Employee Recognition Banquet changes.

Employee Recognition Banquet Changes Discussed

The Employee Relations Director informed the Board that due to budgetary concerns, furloughs and other economic impacts to staff and services, she wanted to discuss possible changes to the Employee Recognition Banquet.

Ms. Hager recommended continuing with the savings bond recognition awards, but suspending the luncheon.

It was the consensus of the Board that they felt the employees still needed to be recognized for their years of service and suggested recognizing the employees after a County Board meeting.

It was determined that certificates and savings bonds will still be issued to the employees being recognized and that the meal would be replaced with cake and coffee.

The Employee Relations Director was asked to begin making plans to recognize the employees on Tuesday, March 23, 2010 at 1:00 p.m. after the County Board meeting.

Commissioner Erickson presented a summary of the Human Services Committee report and action items.

Human Services Committee Report

The Board discussed the Human Services Director's Southeastern Minnesota collaboration resolution request.

Participation in  
Southeast Minnesota  
Human Services  
Community  
Transformation  
Process Approved by  
Resolution #2010-11

The Board reviewed a paper drafted by a couple of directors in the region that is intended to provide background to support county participation in a process that will include a creative, thorough review of their existing strengths, opportunities for improvement, and the relationship among the governmental entities and community partners, with the intent of adding value through:

- a. Greater collaboration among counties and the State,
- b. Leveraging technology and existing community partnerships,
- c. Measuring performance and outcomes, and
- d. Implementing a more consumer-friendly system.

The paper and the proposed resolution will be used to seek grant funding from the Bush Foundation and others to support this process. At this time, it is not intended as a commitment to another county governance structure, just a commitment to participate in the process, contingent upon adequate funding, with the hope of identifying a new way of doing business that makes the counties more effective.

Motion by Erickson seconded by Hanson to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-11 in support of participation in Southeast Minnesota Human Services Community Transformation Process:

**WHEREAS**, Human Services Directors and other leaders in southeastern Minnesota are in the process of developing a clear vision for the future of the publicly funded human services system in the region; and

**WHEREAS**, the combination of real reductions in resources, changes in demographics, increased awareness of best practices, and the strong desire to improve the effectiveness of the human services system for clients and communities leads us to examine how we can add value through:

- Greater collaboration among counties and the State;
- Leveraging technology and existing community partnerships;
- Measuring performance and outcomes; and
- Implementing a more consumer-friendly system; and

**WHEREAS**, counties could, with some administrative support, re-organize the human services agencies across the region to increase effectiveness, there may be greater opportunity to transform the human services system in our region and achieve even better outcomes, if we look beyond this approach to a new administrative model; and

**WHEREAS**, Dodge County, in solidarity with other southeast Minnesota counties, is committed to an outcome-driven system; and

**WHEREAS**, Dodge County, in solidarity with other southeast Minnesota counties, believe a more integrated system across the region will provide greater value to the taxpayer; and

**WHEREAS**, Dodge County, in solidarity with other southeast Minnesota counties, may require flexibility, authority, and possibly waivers of existing state and federal law to innovate and build a more effective human services system in partnership with the State; and

Participation in Southeast Minnesota Human Services Community Transformation Process Approved by Resolution #2010-11 - Continued

**WHEREAS**, Dodge County, in solidarity with other southeast Minnesota counties, proposes to engage in a process of fully exploring a new way of doing business that makes us more effective.

**NOW THEREFORE BE IT RESOLVED**, that the Dodge County Board of Commissioners, contingent upon adequate funding and an agreement with the State, hereby commits to participating in the development of a new governance and operational model for human services which will likely include a negotiation of shared resources, authority, and accountability for human services programs.

*Resolution adopted unanimously.*

Commissioner Erickson reviewed with the Board information from the Human Services Director which indicates that the number of commitments continues to fall. Commitments in Dodge County for chemical dependency or mental illness have reached the lowest point in of the past five years (if not a longer period). Although Human Services worked with the County Attorney’s Office and others on the commitment of three people this past year, all three ended up seeking mental health treatment voluntarily, enabling the court to stay the commitment. As a result, in 2009, Dodge County had zero commitments.

Commitment Numbers in Dodge County Down for 2009

This continued reduction in commitments is a testament to the quality, timeliness, and collaborative nature of work of the Human Services Adult Services team, South Central Human Relations Center and County Attorney’s Office, as well as the increased array of mental health services that have become available in recent years.

Commissioner Hanson provided a summary of the Public Safety Committee report and action items.

Public Safety Committee Report

The Board reviewed the Sheriff’s request to accept a donation from United Way of Dodge County for the DARE Program.

DARE Program Donation Accepted by Resolution #2010-12

The Sheriff’s Office has received a donation in the amount of \$2,000 from the United Way of Dodge County for the Dodge County DARE Program.

The donation is for the first half of 2010.

Motion by Hanson seconded by Erickson to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-12 in support of the Sheriff’s Office accepting a donation from the Dodge County United Way for the DARE Program:

**WHEREAS**, the Dodge County Sheriff’s Office from time to time receives donations from individuals and/or organizations; and

**WHEREAS**, the Dodge County Sheriff’s Office wishes to accept this donation and utilize it for the purpose of the DARE Program; and

DARE Program  
Donation Accepted  
by Resolution  
#2010-12 -  
Continued

**WHEREAS**, pursuant to Minnesota Statute 465.03, the county shall by resolution of the governing body adopt 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 the Dodge County DARE Program:

Dodge County United Way - \$2,000

*Resolution adopted unanimously.*

Commissioner Alberts provided a summary of the Public Works Committee report and action items.

Public Works  
Committee Report

The Board discussed the County Engineer’s request to approve final payment for 2009 bituminous projects.

Final Payment for  
2009 Bituminous  
Projects Approved

Rochester Sand & Gravel has completed the 2009 bituminous projects therefore final payment can be authorized. The final project cost was \$1,320,316.21 with final payment being \$64,059.77.

The locations of the projects are as follows:

- CAR T - from CAR N to TH 30 – pavement removal, full depth reclamation and bituminous surfacing
- along CSAH 5 from TH 30 to CSAH 6 - full depth reclamation and bituminous surfacing

The project was completed as expected.

Motion by Alberts seconded by Gray to approve final payment of \$64,059.77 to Rochester Sand and Gravel for 2009 bituminous projects as requested. *Motion adopted unanimously.*

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

Administration  
Committee Report

Motion by Erickson seconded by Hanson to approve and authorize the February 9, 2010 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

02/09/10 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Alberts seconded by Erickson to approve and authorize the February 9, 2010 meeting minutes as presented. *Motion adopted unanimously.*

02/09/10 Meeting  
Minutes Approved

Motion by Erickson seconded by Gray to approve and authorize the February 16, 2010 work session minutes as corrected on page 1. *Motion adopted unanimously.*

02/16/10 Work  
Session Minutes  
Approved

The Board discussed appointing a Commissioner as Dodge County's representative at Fair Board meetings.

Fair Board  
Representation  
Approved

Motion by Erickson seconded by Hanson to appoint Commissioner Alberts to serve as Dodge County's representative at Fair Board meetings. *Motion adopted unanimously.*

Commissioner Hanson reported on a Regional Dispatch Center meeting that he recently attended and stated that he feels participating in a Regional Dispatch Center study would be helpful.

Regional Dispatch  
Center Appointment  
Approved

Motion by Gray seconded by Alberts to appoint Commissioner Hanson as the first member and Commissioner Erickson as the backup to represent Dodge County at Regional Dispatch Center meetings. *Motion adopted unanimously.*

Mr. Hanson was asked to report back to the Board after the next Regional Dispatch Center meeting.

Commissioners provided their agency reports. Commissioner Hanson attended an EMS Joint Powers meeting, a Fairview family supper, an HRC Joint Powers meeting, a Fairview Care Center meeting, a WDI Joint Powers meeting and a Regional Dispatch Center study. Commissioner Alberts attended a Fairview Care Center meeting, a Soil & Water meeting and a Corrections meeting. Commissioner Gray attended an HRC meeting, an RC&D meeting and a Care Center audit. Commissioner Erickson attended a Fairview Care Center meeting, a DFO Advisory Board meeting, a Cedar River Watershed District Rules Committee meeting, a SCHA Executive Committee meeting and a public meeting on RES wind farm expansion. Commissioner Tjosaas attended a Care Center meeting, an EDA meeting, a Semcac conference call and a Fair Board meeting.

Agency Reports

County Attorney Kiltinen provided the Board with a legal update.

Legal Update

Mr. Kiltinen informed the Board that a plea agreement has been reached on the Bugarin trial which was schedule to being in March, therefore the need for a third murder trial in Dodge County has been eliminated.

Motion by Erickson seconded by Gray to go into closed session at 11:11 a.m. CST to discuss threatened or pending litigation. *Motion adopted unanimously.*

Closed Session

Present in the closed session were all five County Commissioners, the Employee Relations Director, County Administrator and the County Attorney.

Motion by Gray seconded by Hanson to open the meeting to the public at 12:29 p.m. CST. *Motion adopted unanimously.*

Meeting Opened to  
the Public

The following information was shared regarding the closed session:

Statement from  
Closed Session  
Shared

Dodge County takes any allegation against an elected official or employee seriously and has an obligation based on its policies to conduct an investigation.

Upon receipt of a complaint against Sheriff Jim Trihey, a thorough investigation was conducted by an independent investigator. That investigator has completed her investigation and the County Board has reviewed the findings of the investigation. The Sheriff is an elected official and not an employee subject to the County Board's disciplinary authority. No disciplinary action can be taken against the Sheriff.

The County Attorney has determined that this matter relates to a pending civil legal matter and therefore, the investigation report is confidential. The County cannot release the identity of the complainant, the subject matter of the complaint or the findings of the investigation in accordance with the restrictions of the Minnesota Government Data Practices Act.

Motion by Gray seconded by Hanson to adjourn the meeting at 12:30 p.m. CST.  
*Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on March 9, 2010 at 9:30 a.m. CST.

Next Regular  
Meeting

**ATTEST:**

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LYLE TJOSAAS  
CHAIR, COUNTY BOARD

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BECKY LUBAHN  
DEPUTY CLERK

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DATED: