

**TUESDAY, MARCH 9, 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 March 9, 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 9:34 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
	Matthew Maas	Emergency Management Director

Motion by Gray seconded by Alberts to approve and adopt the agenda as amended to include the replacement of a Dodge County Representative to the Upper Cedar Watershed District and the addition of a response to Congressman Walz regarding appropriations for the proposed high speed rail under the Administration committee report. *Motion adopted unanimously.*

Agenda Approved

Emergency Management Director Matthew Maas discussed with the Board the proposed Dodge County ARMER Full Participation Plan.

Dodge County  
ARMER Full  
Participation Plan

Motion by Erickson seconded by Hanson to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-13 in support of Dodge County's ARMER Participation Plan as prepared by GeoComm:

Approved by  
Resolution #2010-13

**WHEREAS**, Dodge County has committed to becoming a partner on the ARMER radio system to include the Dodge County Sheriff, Emergency Management and Highway Department as well as all emergency response agencies within Dodge County; and

**WHEREAS**, Dodge County will bear the initial cost of the radio equipment for these agencies with replacement of the equipment already owned and inventoried by Dodge County Emergency Management; and

**WHEREAS**, Dodge County contracted with GeoComm for the completion of the ARMER Participation Plan.

Dodge County  
ARMER Full  
Participation Plan  
Approved by  
Resolution #2010-13  
- Continued

**NOW THEREFORE BE IT RESOLVED**, that Dodge County accepts the submitted Participation Plan and will include this Participation Plan in the local government plan for migration to the ARMER system. Dodge County Board of Commissioners authorizes the submission of the plan to the Southeast Regional Radio Board (SERRB) with request for approval and forwarding on to the Statewide Radio Board (SRB) and its required committees with a request for approval.

*Resolution adopted unanimously.*

The Board thanked Mr. Maas for his work on the Participation Plan.

Sheriff Jim Trihey presented for the Board's consideration a resolution request to approve a Mutual Aid Agreement between the Dodge County Sheriff's Office, Kasson Police Department and the West Concord Police Department.

Mutual Aid  
Agreement Between  
Dodge County  
Sheriff's Office,  
Kasson Police  
Department & West  
Concord Police  
Department  
Approved by  
Resolution #2010-14

The Mutual Aid Agreement is requested with the agencies listed above for the purpose of providing law enforcement assistance to the parties to this agreement in circumstances where such assistance would enable a party to more effectively deal with a situation involving public safety than the sole use of its own law enforcement agency.

Motion by Gray seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-14 in support of a Mutual Aid Agreement between the Dodge County Sheriff's Office, Kasson Police Department and the West Concord Police Department:

**WHEREAS**, the Dodge County Sheriff's Office would like to enter into a Mutual Aid Agreement with the Kasson Police Department and the West Concord Police Department for the purpose of providing law enforcement assistance to the parties of this agreement in circumstances where such assistance would enable a party to more effectively and efficiently deal with a situation involving public safety than the sole use of its own law enforcement agency; and

**WHEREAS**, the Dodge County Sheriff's Office wishes to enter into a Joint Powers Agreement and Minnesota Statute 12.27 authorizes governmental units to enter into mutual aid agreements; and

**WHEREAS**, all of the parties to this Agreement are governmental units of law enforcement agencies pursuant to Minnesota Statute 471.59, the county shall by resolution of the governing body adopted by a two-thirds majority of its members accept the Mutual Aid Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Dodge County Board of Commissioners hereby accepts the attached Mutual Aid agreement with the Dodge County Sheriff's Office, Kasson Police Department and the West Concord Police Department.

*Resolution adopted unanimously.*

Sheriff Trihey discussed with the Board his request to replace a totaled 2007 squad car.

Replacement of  
Totaled Squad Car  
Approved

Mr. Trihey informed the Board that Unit 14, a 2007 Chevy Impala squad car, was totaled when it was hit on Friday, February 19, 2010.

The Sheriff would like authorization to purchase a 2010 Chevy Impala Police Package (V6) to replace Unit 14.

Mr. Trihey reported that the cost of the 2010 Chevy Impala is \$19,840.05, plus the cost of title and all equipment installation, transfers, graphics and other costs necessary to make it patrol ready.

The Sheriff noted that the 2007 vehicle and equipment within the vehicle is covered by insurance.

Motion by Gray seconded by Alberts to approve and authorize the Sheriff to purchase a new 2010 Chevy Impala Police Package (V6) to replace totaled Unit 14 at a cost of \$19,840.05, plus the cost of title and all equipment installation, transfers, graphics and other costs necessary to make it patrol ready. *Motion adopted unanimously.*

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

Human Services  
Committee Report

Motion by Erickson seconded by Hanson to approve Human Services actions consistent with Human Services resolution #95-10:

Human Services  
Resolution #95-10  
Approved

- Authorize payment of all claims and bills received in the prior month.
- Approve all Financial Assistance case actions taken in the prior month.
- Approve all Social Services case actions taken in the prior month.
- Approve destruction of closed cases listed for destruction in the prior.

*Motion adopted unanimously.*

The Board discussed the following Human Services informational items as submitted by the Human Services Director.

Human Services  
Information Items  
Discussed

- The number of uninsured Minnesotans is increasing. According to a study recently released by the Minnesota Department of Health, 480,000 Minnesotans - or 9.1% of the population - was without health insurance in 2009. This is an increase from 7.2% uninsured in 2007. The increase is primarily due to decline in percentage of Minnesotans who had health insurance through an employer.

- Cash assistance caseload are likely to continue to grow. As of February 2010, the Financial Assistance caseloads have grown 44% since January 2007. Based on the information in the February 2010 forecast released by Minnesota Management & Budget on March 3, 2010. Ms. Hardwick anticipates the caseloads will continue to grow for some time. Human Services will be preparing some estimates in the near future to aid in decision making about how their office will handle the caseload increases.
- Managing current Financial Assistance caseload. The Financial Assistance caseload has grown significantly in the past three years. Human Services has added 1.5 full-time equivalent staff to help address the associated workload and still continue to be challenged in providing an acceptable level of customer service (timely processing, return of phone calls, etc.) because of the continuous growth in cases and the extensive learning period for new Financial Workers. Human Services is looking at an array of options and have determined to implement the following two at this time:
  - a. Uninterrupted staff time.
  - b. Supported work intern.
- Beginning strategic planning. To use the Human Services resources wisely and to be most effective, it is important that they collectively know what they are trying to accomplish. Over the past year, the Human Services Director has intended to begin a strategic planning process and is now in a position to do so. The Human Services Department has engaged Diane Amundson & Associates to assist in facilitating the development of a strategic plan for the next three to five years. Once they have outlined the full process and points of engagement, Ms. Hardwick will brief the Board again. The Human Services Director anticipates that the process will be completed within six to eight months and believes this will be useful in their decision making as they work to address the anticipated reductions in state funding for Human Services.
- Year-end report of 2009 expenditures for Human Services in comparison to their budget. In summary, their revenues were \$32,000 more than budgeted and their expenditures were \$766,000 less than budgeted.

Human Services  
Information Items  
Discussed -  
Continued

Southern Minnesota Association for Regional Trails (SMART) Representatives Terry Sell and Dick Leonard presented for the Board's consideration a request to appoint 2010 Dodge County representatives to SMART.

SMART  
Representatives  
Appointed by  
Resolution #2010-15

SMART is an eleven county organization under the direction of MNDOT and the DNR to help plan and promote recreational trails in Southeast Minnesota.

Each of the eleven counties may appoint two voting members and one alternate to the SMART Board of Directors to represent their county.

Dick Leonard and Terry Sell are current members and Duane Johnson was appointed as the alternate.

Motion by Hanson seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-15 appointing Dodge County representatives to SMART for 2010:

SMART  
Representatives  
Appointed by  
Resolution #2010-15  
- Continued

**WHEREAS**, the Southeastern Minnesota Association of Regional Trails is seeking nominations for two voting members and one alternate member per county.

**NOW THEREFORE BE IT RESOLVED**, that the Dodge County Board of Commissioners name the following individuals to represent Dodge County on the SMART Board:

Member One:	Dick Leonard
Member Two:	Terry Sell
Alternate:	Lori Kryzer

*Resolution adopted unanimously.*

Commissioner Alberts thanked the group for their work on the trails systems in Dodge County.

Also discussed was a possible contribution of \$25 for the county to belong to this organization. It was the consensus of the Board that they discuss becoming a member of the organization at a later date.

Mr. Sell and Mr. Leonard indicated that they would like to come back at a later date and make a presentation to the Board to update them on what the group has accomplished and what their future plans are.

The County Assessor presented for the Board's consideration 2010 Assessment Agreement Log for the nineteen jurisdictions in Dodge County. Mr. Engelstad reported that each of the townships and cities has now returned their signed agreement along with their payment for the 2010 Assessment Fees. The total amount collected for the Assessment Fees in 2010 is \$102,432.

2010 Assessment  
Agreements  
Approved

Motion by Erickson seconded by Hanson to approve the authorize the Chair and County Administrator to sign the 2010 Assessment Agreements and fees for assessment services rendered as follows:

CTV	TOWNSHIP/CITY	RETURNED AGREEMENT	TOTAL ASSESSMENT FEE	RECEIVED PAYMENT
7	Ashland Township	01-12-10	\$3,047	01-12-10
8	Canisteo Township	01-25-10	\$3,948	01-25-10
9	Claremont Township	01-15-10	\$3,623	01-15-10
10	Concord Township	01-29-10	\$4,273	01-29-10
11	Ellington Township		\$2,731	02-02-10
12	Hayfield Township	01-14-10	\$3,168	01-14-10
13	Mantorville Township	01-06-10	\$8,268	01-06-10
14	Milton Township	01-12-10	\$5,017	01-12-10
15	Ripley Township	01-19-10	\$2,406	01-19-10
16	Vernon Township	12-23-09	\$4,125	01-27-10
17	Wasioja Township	01-13-10	\$5,946	01-13-10
18	Westfield Township	01-06-10	\$3,577	01-06-10
21	Claremont City	01-14-10	\$2,703	01-14-10
22	Dodge Center	01-27-10	\$10,628	
23	Hayfield City	02-02-10	\$5,899	01-21-10
24	Kasson City	02-01-10	\$24,507	02-01-10
25	Mantorville City	01-14-10	\$4,775	01-14-10
26	West Concord	01-28-10	\$3,781	01-28-10
27	Blooming Prairie City	12-23-09	\$9	02-25-10
	<b>Grand Totals</b>		\$102,431	

2010 Assessment Agreements Approved - Continued

*Motion adopted unanimously.*

Mr. Engelstad shared with the Board his request to approve the proposed regular and local option abatement requests.

Regular and Local Option Abatements Approved

Minnesota Statutes 375.192 provides that the County Board may grant the reduction or abatement of a property taxpayer's estimated market valuation and the resulting taxes, costs, penalties, or interest which have been erroneously or unjustly paid. Minnesota Statutes 273.1233 also provide for a Local Option Abatement of taxes payable in the year of and year after a natural disaster such as a fire, flood, or tornado. These are different than the reductions and abatements in sections 469.1812 and 469.1815 which may be granted as an incentive for economic development and redevelopment. All applications must be written and approved by the County Assessor and the County Auditor before consideration by the County Board. The County Board may consider and grant reductions and abatements for applications as they relate to taxes payable in the current year and the two prior years. However, abatements for the two prior years shall be considered and granted only for clerical errors and when the taxpayer fails to file for a reduction or an adjustment due to a hardship, as determined by the County Board.

Property owner Nancy Pater was available to comment on her situation and the reason she was requesting an abatement of taxes.

Motion by Hanson seconded by Gray to approve assessment and homestead classification changes for taxes payable in the years indicated as follows:

Regular and Local  
Option Abatements  
Approved -  
Continued

Parcel ID	Owner	Street	City	Reason	Tax Reduction
R12.029.0700 (2008 pay 09)	Ronald W. Hanusa	17194 750 <sup>th</sup> Street	Hayfield	Appeal upheld for change back to Ag.	\$514
R12.029.0700 (2009 pay 10)	Ronald W. Hanusa	17194 750 <sup>th</sup> Street	Hayfield	Appeal upheld for change back to Ag.	\$468
R18.007.0610 (2008 pay 09)	Leslie R. Shawback Jr.	71755 110 <sup>th</sup> Avenue	Blooming Prairie	Home destroyed by fire on 1/17/09.	\$396
R18.007.0610 (2009 pay 10)	Leslie R. Shawback Jr.	71755 110 <sup>th</sup> Avenue	Blooming Prairie	Home destroyed by fire on 1/17/09.	\$168
R22.104.0740 (2008 pay 09)	Troy Phenix	304 3 <sup>rd</sup> Avenue NW	Dodge Center	Home heavily damaged by fire on 10/19/09.	\$157
R22.104.0740 (2009 pay 10)	Troy Phenix	304 3 <sup>rd</sup> Avenue NW	Dodge Center	Home heavily damaged by fire on 10/19/09.	\$113
R23.100.2690 (2007 pay 08)	Robert V. Rud Sr.	221 3 <sup>rd</sup> Avenue SW	Hayfield	Property listed as 3.08 acres rather than 1.54 acres.	\$460
R23.100.2690 (2008 pay 09)	Robert V. Rud Sr.	221 3 <sup>rd</sup> Avenue SW	Hayfield	Property listed as 3.08 acres rather than 1.54 acres.	\$494
R23.100.2690 (2009 pay 10)	Robert V. Rud Sr.	221 3 <sup>rd</sup> Avenue SW	Hayfield	Property listed as 3.08 acres rather than 1.54 acres.	\$480
R24.476.0910 (2009 pay 10)	Nancy Pater	202 1 <sup>st</sup> Avenue NW	Kasson	Failed to apply for Homestead when moved in 2/17/08.	\$283

*Motion adopted unanimously.*

Finance Director Lisa Kramer met with the Board to discuss the 2010 Soil and Water Conservation District (SWCD) contribution request.

2010 SWCD  
Payment Approved

Ms. Kramer reported that the Dodge County 2010 budget includes a contribution for the Dodge SWCD in the amount of \$66,667.00. Normally these contributions are paid out after the legislative session has concluded to allow the county flexibility in dealing with state unallotments. The Dodge SWCD would like to receive their contribution now. Last year Dodge County paid out \$66,666.00 in three installments paying the first \$25,000.00 on February 13<sup>th</sup>, the second \$25,000.00 on April 17<sup>th</sup> and the final installment of \$16,666.00 on July 17<sup>th</sup>.

The Finance Director recommended that the county pay the 2010 SWCD contribution in the same manner as 2009 scheduling the first payment March 12<sup>th</sup> (\$25,000.00), the second payment, May 14<sup>th</sup> (\$25,000.00), and the third payment, July 23<sup>rd</sup> (\$16,667.00).

Commissioner Alberts stated that if there is any additional money available after the legislative session has concluded and the unallotments have been determined that he would like to see that money go to the SWCD since their budget was significantly cut.

Commissioner Erickson commented that if there is any extra money he's sure that the Fair Board, Historical Society and all of the other entities whose allocations were cut for 2010 would also like to receive some additional money.

Ms. Kramer informed the Board that with additional scheduled unallotments that the county may have more cuts to make.

Commissioner Gray suggested that the Board make the first two payments as recommended by the Finance Director and that the third payment be listed as yet to be determined in order to see what happens with the legislative session.

2010 SWCD  
Payment Approved -  
Continued

Commissioner Erickson noted that the Board already approve paying the Fair Board their entire appropriation for 2010 and proposed the question as to whether or not it was fair to withhold SWCD's full appropriation for 2010.

Motion by Alberts seconded by Gray to approve and authorize the Finance Office to make a 2010 allocation payment of \$50,000 to the Soil and Water Conservation District with the understanding that the proposed final payment of \$16,667 in July will be determined after the legislative session has concluded and the county can determine if there will be any additional unallotments. *Motion adopted unanimously.*

Taxpayer Services Director Rose Culbertson reviewed bills with the Board. Motion by Alberts 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	\$113,653.31
11	Human Services Fund	\$ 176.50
13	Road and Bridge Fund	\$ 12,920.18
16	Environmental Quality Fund	\$ 8,258.84
32	County Capital Projects	<u>\$ 1,454.53</u>
	Total	\$136,463.36

A payment in the amount of \$4,884.00 to Minnesota Counties Intergovernmental Trust will be added to the bills for the Four Seasons Arena building insurance.

The payment to Jim Kylo on page 12 will be reduced by \$17.95 due to lack of documentation for a clothing allowance, the new payment amount to Mr. Kylo will be \$124.70. *Motion adopted unanimously.*

Ms. Culbertson presented for the Board's consideration a request to approve basic sales price and the public sale of tax-forfeited properties.

Tax Forfeited  
Property Public  
Auction Date and  
Sales Price Approved  
by Resolution  
#2010-16

Minnesota Statutes 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 parcels were released by the cities and townships for public use.

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. Appraisals were made by the Dodge County Assessor's Department. The sale will be scheduled on April 28, 2010 at 10:00 a.m.

The Tax Services Director informed the Board that the 2009 forfeiture list provided for them in their Board packet is a list of tax-forfeited properties that she is recommending for public auction. Included on that listing is the parcel number, legal description, the 2010 taxable market value and a suggested sale value.

Ms. Culbertson noted that the basic selling 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 her recommendation that the Suggested Market Value 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.

Tax Forfeited  
Property Public  
Auction Date and  
Sales Price Approved  
by Resolution  
#2010-16 -  
Continued

The second document provided in the Board packet is a 2009 Forfeiture List of two 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 it to the tax rolls. The Taxpayer Services Director commented that these notices will be mailed as soon as possible. Neighbors have shown interest in each of these two parcels.

Commissioner Hanson reported that he also had a couple people contact him that are interested in the non-buildable property in Wasioja Township for possible future use by the bicycle trails group.

Discussion took place on whether or not the non-buildable properties should be added to the public auction. It was noted that the City of Claremont was not interested in the non-buildable property within their city limits and the Wasioja Township was not interested in the non-buildable property in Wasioja.

It was the consensus of the Board to include the two non-buildable lots in the public auction.

Motion by Alberts seconded by Erickson to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-16 in support of setting a public auction date and sales price for all tax-forfeited properties:

**WHEREAS**, the Dodge County Board of Commissioners, 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.

**NOW, THEREFORE, BE IT RESOLVED**, that the basic sale price be approved and authorization for a public sale of this land be granted, pursuant to Minnesota Statutes 282.01; that sale will be held at 10:00 a.m., Wednesday, April 28, 2010, by the Dodge County Finance Director at the Dodge County Courthouse for not less than the basic sale price, and that all sales shall be full payment.

*Resolution adopted unanimously.*

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 Stephanie Morris – Paralegal  
Step increase from B31 step 5 \$18.06 to B31 step 4 \$18.50.  
Effective Date: 2/26/10

Personnel Actions  
Approved -  
Continued

**B. Human Services**

- B.1 Ann Kruger – Office Support Specialist  
Step increase from step A13 6 \$13.24 to A13 step 5 \$13.64.  
Effective Date: 3/5/10

*Motion adopted unanimously.*

Ms. DeVetter presented for the Board's consideration the March 3, 2010 Planning Commission recommendations. Motion by Gray seconded by Hanson to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on March 3, 2010 with the reasons, recommendations and conditions as found in the individual permit:

Planning Commission  
Recommendation  
CUP #10-02  
Approved

**Clay Bulow – CUP #10-02**

The first public hearing is to consider an application for a Conditional Use Permit to allow a Home Occupation Business with exterior storage. The property is 9 acres located in the SW ¼ of the NW ¼ of Section 9, Claremont Township. Clay Bulow is the applicant and the property owner.

The Planning Commission recommends approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. The trailers and tractors shall be fully screened with evergreen vegetation in accordance with Section 1609 (Fences and Screening). The vegetation shall be of sufficient height to provide for immediate screening as viewed from adjacent properties and the public roads.
2. All semi tractors and trailers storage shall be located on the permittee's property. Storage on adjacent property is prohibited.
3. The Home Occupation Agreement shall be signed and recorded with the CUP. However, the operation shall conform to the conditions of the CUP where the terms may deviate from what was proposed in the Home Occupation Agreement.
4. The number of trailers on site shall not exceed fifteen (15). The number of tractors shall not exceed two (2).
5. The trailers, tractors and property shall be properly and neatly maintained at all times. All trailers and tractors shall be kept free of graffiti or other signs of vandalism. At no time will the property be allowed to meet the definition of a junk yard or allowed to become a public nuisance.
6. All trailers and tractors shall be legally and currently licensed, registered and insured at all times.
7. The permittee shall obtain a Stormwater Permit for Industrial Activities or a certificate of "No Exposure" from the MPCA.
8. There shall be no storage allowed within any trailers/tractors located on site for any period of time.
9. Any further expansion, outside storage or outside work (other than loading/unloading parts trucks) shall be prohibited on this site.
10. The site is not open to the general public.

11. Equipment shall not be moved on or off the site between the hours of 8:00 p.m. and 7:00 a.m.
12. Tractors and trailers shall be parked in an orderly manner. Tractors and trailers shall not be parked or stored in the area identified as "restricted" by the Highway Department defined as a line drawn diagonally between points 180 feet, along the centerlines, north and east of the middle of the CSAH 1 and CR G intersection.
13. The site shall conform to Section 1610 (Home Occupations) and the conditions of this permit.
14. Nuisance complaints shall result in review of the permit by the Planning Commission.

Planning Commission  
Recommendation  
CUP #10-02  
Approved -  
Continued

*Motion adopted unanimously.*

Motion by Gray seconded by Alberts to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on March 3, 2010 with the reasons, recommendations and conditions as found in the individual permit:

Planning Commission  
Recommendation  
CUP #10-03  
Approved

**Sherman Stoflet – CUP #10-03**

The second public hearing is to consider an application for a Conditional Use Permit to establish a non farm dwelling in the Agricultural District. The property is 6.5 acres located in the NW ¼ of the NW ¼ of Section 24, Milton Township. Sherman Stoflet is the applicant and the property owner.

The Planning Commission recommends approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. Submit and Erosion Control Plan in accordance with Section 1617 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 construction. A copy of the recorded document is required to be submitted to the Dodge County Environmental Services Department to file with the CUP.
4. The septic system must meet the requirements of Dodge County's sewage and wastewater treatment ordinance.
5. An address shall be obtained from the Dodge County Highway Department.

*Motion adopted Hanson, Alberts, Gray, Erickson aye, Tjosaas abstained.*

Ms. DeVetter presented for the Board's consideration the William Schutz CUP #10-04 request for a non farm dwelling in the Agricultural District.

CUP #10-04  
Discussion

Discussion took place regarding whether or not the property was in a flood zone and restrictions on the conditional use permit that would prohibit any kind of accessory use to the property. It was noted that if the conditional use permit gets approved for a non-farm dwelling and the owner wanted to open a garage or shop for a business that the Environmental Services staff would review and approve this prior to establishment.

Concerns regarding the aquifer were discussed. The area that is being proposed for the conditional use permit is a very unique area in the county. Over most of the county, the deeper aquifers are protected by a thick shale layer. In this area, however, the shale has worn away, leaving only a relatively thin layer of soil over the St. Peter Sandstone aquifer, from which many people obtain their drinking water. It was noted that once a pollutant gets into this aquifer it can move like dye across a wet sponge. On this particular property, applied manure and fertilizer from normal farming practices may already be seeping into the aquifer. In this scenario, a non-farm dwelling, which may reduce the amount of applied fertilizer, would be beneficial to the aquifer, provided they don't have an operation that would threaten the ground water in some other manner.

CUP #10-04  
Discussion -  
Continued

Melissa DeVetter clarified that the acreage is not definite yet. The property owner would have to have a minimum of three acres and have enough room for two standard septic systems and also meet the setbacks for shoreland and flood plain. More acreage might be required to meet this requirement.

Commissioner discussed adding a seventh condition to the conditional use permit that would require an inspection be done on septic system after a specified number of years. If an inspection determined that the system was non-compliant it would have to be repaired or replaced.

Motion by Gray seconded by Hanson to approve of the William Schutz – CUP #10-04 as reviewed by the Planning and Zoning Commission on March 3, 2010 with the reasons, recommendations and conditions as found in the individual permit.

Motion to Approve  
CUP #10-04

No vote was taken on the motion, commissioners felt an additional condition should be added to address septic inspections concerns.

Motion by Gray seconded by Hanson to rescind the motion to approve CUP #10-04 as recommended by the Planning and Zoning Commission. *Motion adopted unanimously.*

CUP #10-04 Motion  
Rescinded

Motion by Gray seconded by Hanson to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on March 3, 2010 with the reasons, recommendations and conditions as found in the individual permit and the addition of condition number seven as requested by the Dodge County Board of Commissioners:

Planning Commission  
Recommendation  
CUP #10-04  
Approved

#### **William Schutz – CUP #10-04**

The third public hearing is to consider an application for a Conditional Use Permit to establish a non farm dwelling in the Agricultural District. The property is 3 acres located in the SE ¼ of the NW ¼ of Section 13, Milton Township. William Schutz is the applicant and the property owner.

The Planning Commission recommends approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. A Dodge County Zoning Permit shall be obtained before construction.

2. The Agricultural Use Covenant shall be signed and recorded in the Dodge County Recorder's Office prior to construction. A copy of the recorded document is required to be submitted to the Dodge County Environmental Services Department to file with the CUP. Planning Commission Recommendation CUP #10-04 Approved - Continued
3. The septic system must meet the requirements of Dodge County's sewage and wastewater treatment ordinance.
4. The permittee shall obtain a driveway permit from Milton Township. A copy of the permit or approval shall be submitted to the Dodge County Environmental Services Department to file with the CUP.
5. An address shall be obtained from the Dodge County Highway Department.
6. A Restrictive Covenant shall be signed by the current property owner and recorded in the Dodge County Recorder's office prior to transfer of the property and be available for review at the time of property transfer.
7. A Compliance Inspection shall be conducted on the septic system every five years starting from the date the initial Certificate of Compliance is issued for the system. This requirement is in addition to other actions which may require a Compliance Inspection to be performed under the ordinance. If any Compliance Inspection determines the system is non-compliant the system shall be repaired or replaced to the satisfaction of the SSTS Coordinator in accordance with the Dodge County Sewage and Wastewater Treatment Ordinance No. 4 (or successor).

*Motion adopted unanimously.*

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

Legal Update

The County Attorney informed the Board that he intends to review with them at a later date the cost associated with the two jury trials held in Dodge County.

Mr. Kiltinen reminded the Board that Judge Lawrence Agerter will be leaving in May and Judge Joseph Wieners will be starting soon after that.

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

Public Works Committee Report

The Board discussed the County Engineer's proposed resolution listing the routes and segments as they are to be posted for spring load restrictions. Restriction timing is recommended by MnDOT utilizing various methods to monitor thawing index and frost out. This timing notice is provided with a three day advance of placing restrictions on state roads.

2010 Load Limit Restrictions Approved by Resolution #2010-17

As Dodge County roads are not typically built to the standards of the average state road the Highway Department follows the initiation of load restrictions but then keep theirs on approximately two weeks longer in the spring.

The proposed resolution authorizes the County Engineer to set the timing of the load restrictions as necessary for the season.

Motion by Gray seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-17 setting the 2010 load limit restrictions:

**BE IT RESOLVED**, by the County Board of Commissioners of Dodge County, that due to deteriorations caused by snow, rain and the usual spring climatic conditions, county roads will be seriously damaged unless restrictions are placed on the vehicles operating thereon;

2010 Load Limit  
Restrictions  
Approved by  
Resolution #2010-17

**NOW, THEREFORE BE IT RESOLVE**, that no person shall operate any vehicle or combinations of vehicles upon any County State Aid Highway or County Aid Road over the posted weight limit per axles, as defined by Minnesota Statute, Section 169.87 and as amended by the 1981-82 legislature, and not to exceed six tons per axle based on gross weight formulas except on roads restricted by bridges of lesser posted weight and those roads specified as follows:

### **10 TONS PER AXLE**

- C.S.A.H. 1 described as follows:  
Beginning at the junction of T.H. No. 14 and C.S.A.H. No. 1, thence southerly along C.S.A.H. No. 1 to its junction with C.S.A.H. 3 (Front Street), thence easterly along C.S.A.H.3 (Front Street), to its junction with Claremont's East Street, as designated on the original plat, and there terminating.
- C.S.A.H. 7 from T.H. 14 to C.S.A.H. 34 (old T.H. 14)  
C.S.A.H. 13 from T.H. 14 to 3,450 feet Southeast  
C.S.A.H. 25 from T.H. 14 to C.S.A.H. 34 (Old T.H. 14)  
C.S.A.H. 34 from T.H. 56 to C.S.A.H. 25

### **9 TONS PER AXLE**

- C.S.A.H. 1 from T.H. 14 to C.S.A.H. 24  
C.S.A.H. 2 from the West County Line to C.S.A.H. 5  
C.S.A.H. 3 from T.H. 30 to T.H. 14  
C.S.A.H. 3 from East Street to 130th Ave  
C.S.A.H. 5 from C.S.A.H. 2 to T.H. 30  
C.S.A.H. 7 from C.S.A.H. 34 (Old T.H. 14) to the North County Line  
C.S.A.H. 9 from C.S.A.H. 34 to C.S.A.H. 22  
C.S.A.H. 11 from C.S.A.H. 16 to C.S.A.H. 22 West  
C.S.A.H. 12 from C.S.A.H. 21 to T.H. 57  
C.S.A.H. 13 from T.H. 30 to 3,450 feet Southeast of T.H. 14  
C.S.A.H. 15 from T.H. 30 to C.S.A.H. 34  
C.S.A.H. 16 from T.H. 56 to the East County Line  
C.S.A.H. 17 from C.S.A.H. 16 to C.S.A.H. 22  
C.S.A.H. 19 from 240th Ave to the East County Line  
C.S.A.H. 20 from C.S.A.H. 1 to T.H. 56  
C.S.A.H. 21 from C.S.A.H. 34 to C.S.A.H. 12  
C.S.A.H. 22 from C.S.A.H. 9 to T.H. 57  
C.S.A.H. 22 from C.S.A.H. 11 to the East County Line  
C.S.A.H. 24 from the West County Line to T.H. 56  
C.S.A.H. 34 from 900 feet west of C.S.A.H. 25 to the East County Line  
C.A.R. "N" (Industrial Park Blvd.) from T.H. 56 to C.A.R. "T"  
C.A.R. "L" from T.H. 30 to 1.5 miles North  
C.A.R. "T" from C.A.R. "N" to T.H.30

**7 TONS PER AXLE**

C.S.A.H. 1	from the West County Line to C.S.A.H. 3 (Front Street in Claremont)
C.S.A.H. 4	from T.H. 56 to the East County Line
C.S.A.H. 5	from C.S.A.H. 24 to the North County Line
C.S.A.H. 5	from T.H. 30 to T.H. 14
C.S.A.H. 9	from the South County Line to C.S.A.H. 34 (Old T.H. 14)
C.S.A.H. 10	from C.S.A.H. 5 to T.H. 56
C.S.A.H. 11	from C.S.A.H. 22 West to the North County Line
C.S.A.H. 12	from C.S.A.H. 9 to C.S.A.H. 21
C.S.A.H. 15	from C.S.A.H. 34 to T.H. 57
C.S.A.H. 18	from C.S.A.H. 11 to the East County Line
C.S.A.H. 20	from the West County Line to C.S.A.H. 1
C.S.A.H. 22	from C.S.A.H. 24 to C.S.A.H. 9
C.S.A.H. 22	from T.H. 57 to C.S.A.H. 11
C.S.A.H. 24	from T.H. 56 to the East County Line
C.A.R. "G"	from the West County Line to C.S.A.H. 1

2010 Load Limit Restrictions  
Approved by Resolution #2010-17  
- Continued

Public utilities emergency vehicles used incidentally to make repairs to its plant and equipment or fire apparatus vehicles shall be exempt from the provisions of this resolution.

The County Board authorizes the County Engineer to determine the effective date for road postings as he sees the need.

*Resolution adopted unanimously.*

The Board discussed the County Engineer's request to award 2010 bituminous projects.

2010 Bituminous Projects Bid Awarded

Bids were opened February 24, 2010 for the 2010 Bituminous projects that include bituminous pavement reclamation, bituminous surfacing, bituminous overlay, and aggregate shouldering on nine miles of CSAH 5 and CSAH 10.

The project consists of conducting full depth reclamation on CSAH 10 and the south three miles of the CSAH 5 section. These areas will then be paved with four inches of bituminous. The project also included two options for the north three miles of CSAH 5. The base bid includes a two inch overlay and the alternate bid includes a two inch mill with three inch overlay.

Following are the bids submitted to do both CSAH 10 and CSAH 5:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alternate Bid</b>
Rochester Sand & Gravel	\$1,636,684.38	\$1,704,113.34
Ulland Brothers	\$1,723,254.26	\$1,799,285.11
Knife River	\$2,077,112.13	\$2,055,943.38

It was noted that ride quality and density incentives for this project could add an additional \$84,000. These are measurable incentives paid to contractors for quality work done to help offset the pitfalls of the low bid system. Minnesota has been doing this for some years now with good results.

2010 Bituminous  
Projects Bid Awarded  
- Continued

The total funds budgeted for the bituminous portion of this project is \$1,760,000. The Highway Department also has leftover funds from the 2009 paving as well as a slightly larger State Aid allotment than was budgeted for.

Motion by Gray seconded by Alberts to award the 2010 bituminous projects contract to Rochester Sand & Gravel for the alternate bid at the amount of \$1,704,113.34 (plus incentives) with the County Engineer authorized to approve change orders and supplemental agreements up to 10% of the contract amount. *Motion adopted unanimously.*

It was the County Engineer's opinion that the alternate project on CSAH 5 consisting of a mill and overlay should provide a smoother surface while replacing some of the older bituminous resulting in a longer lasting fix.

Commissioner Erickson informed the Board that he has found someone interested in replacing Al Kording as Dodge County's representative on the Cedar River Watershed District. Al Kording has health issues and is no longer able to serve on this committee. Richard Fuller has indicated that he would be interested in serving on this board.

Cedar River  
Watershed District  
Representative  
Replacement  
Approved

Motion by Erickson seconded by Gray to approve and authorize the appointment of Richard Fuller as Dodge County's representative on the Cedar River Watershed District contingent upon receiving a letter of resignation from Al Kording. *Motion adopted unanimously.*

County Administrator Jim Elmquist reported that he was recently informed that Congressman Walz was accepting comments on appropriation requests.

Comments to  
Congressman Walz  
on Appropriations  
Request Approved

Olmsted County has submitted funding requests for the Rochester to Twin Cities High-Speed Passenger Rail Project and the Southern Rail Corridor Project.

Motion by Hanson seconded by Alberts to direct the County Administrator to compose and send a letter to Congressman Walz reiterating Dodge County's opposition to the Southern Rail Corridor as indicated on resolution #2009-02RRA dated August 13, 2009. *Motion adopted unanimously.*

Commissioner Gray commented that the letter should also indicate that Dodge County feels it would be a better use of federal funds if the money was put towards the completion of Highway 14 Corridor Project.

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

Administration  
Committee Report

Motion by Erickson seconded by Gray to approve and authorize the February 23, 2010 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

02/23/10 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Alberts seconded by Hanson to approve and authorize the February 23, 2010 meeting minutes as presented. *Motion adopted unanimously.*

02/23/10 Meeting Minutes Approved

Executive Assistant Becky Lubahn informed the Board that the wrong South Country Health Alliance resolution was approved in the January 5, 2010 County Board organizational meeting minutes.

Resolution #2010-02 Rescinded

In discussing this issue with the County Attorney it was decided that the best way to correct the error would be to rescind resolution #2010-02 and approve the correct resolution that was included in the Board packet.

Motion by Erickson seconded by Hanson to rescind resolution #2010-02 as recommended. *Motion adopted unanimously.*

Motion by Erickson seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-18 in support of the South Country Health Alliance Joint Powers Agreement Amendment:

SCHA Joint Powers Agreement Amendment Approved by Resolution #2010-18

**WHEREAS**, the Second Amended Joint Powers Agreement sets forth the procedure by which counties may withdraw from South Country Health Alliance, and by which additional counties may be admitted; and

**WHEREAS**, under the terms of that Second Amended Joint Powers Agreement, counties wishing to withdraw at the end of 2010, must give notice by December 31, 2009; and

**WHEREAS**, South Country Health Alliance has suffered several years of financial reverses, due in large measure to rating decisions by the State, which has failed to reimburse SCHA for the actual costs of care of its Members; and

**WHEREAS**, certain counties may be considering withdrawal; and

**WHEREAS**, the Board of South Country Health Alliance wishes to afford the Member Counties the greatest opportunity possible to enter into a well-informed decision as to whether to withdraw, without prejudicing the contracting and planning processes for the 2011 calendar year;

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of Dodge County, that this county approves the further amendment of the Second Amended Joint Powers Agreement of South Country Health Alliance, amending Section 12.1 of that Agreement by inserting a new third sentence to allow member counties until April 30, 2010 to give notice to withdraw at the end of 2010, such that Section 12.1. will read as follows:

## 12.1 Method of Withdrawal

A Member County may withdraw from this Amended Agreement by filing with the Joint Powers Board Chair a written notice of intent to withdraw by December 31, one year prior to the year of withdrawal. The effective date of withdrawal shall be December 31 of the year following the written notice ("Effective Date"). Notwithstanding the foregoing, any county wishing to withdraw effective December 31, 2010, shall have until April 30, 2010, to provide its written notice of withdrawal, effective on December 31, 2010. Upon receipt of the resolution of a withdrawal, the Chair shall send a copy of said resolution to each Member County.

SCHA Joint Powers Agreement Amendment Approved by Resolution #2010-18 - Continued

*Resolution adopted unanimously.*

The Board discussed the Finance Director's request to approve the DTI Long Distance and 800 number contract.

DTI Long Distance & 800 Number Contract Approved

The county uses DTI 800 numbers and long distance services at the Hayfield Sheriff's Office, and Finance is relatively pleased with the service and billing. The county was recently approached to formally renew their commitment to DTI by signing a 36 month contract. With this formal renewal the county will receive new lower rates. The access fee would go from \$2.75 to \$0.96 per month and the 800 rate per minute would go from \$0.089 - \$0.099/minute to \$0.079/minute. The county is not required to maintain a certain call volume to get these lower flat rates.

Motion by Erickson seconded by Gray to approve the DTI Long Distance and 800 number contract as presented and authorize the Finance Director to sign and return the DTI Long Distance and 800 number contract as presented. *Motion adopted unanimously.*

The Board reviewed the Finance Director's Automated Clearing House (ACH) Agreement request.

ACH Policy Renewal Approved

Dodge County performs a variety of financial tasks through use of the ACH, and periodically needs to renew the agreement for this service. Some examples of how the county uses this service is to process the county's direct deposit for wages, to make payments for the county's health insurance, for driver's license payments to the state, to receive payments for some recorder's fees, and to accept electronic property tax payments.

Motion by Gray seconded by Hanson to approve and authorize the Chair to sign the Automated Clearing House Policy renewal with Citizens State Bank of Hayfield as presented which will continue the county's ability to process electronic payments and receipts. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Hanson attended a SEAAA meeting, a Dodge County Trails meeting, a High Speed Rail meeting, a Planning and Zoning meeting, a WDI meeting, a Township Officers meeting, a SE Water meeting and a HRC meeting. Commissioner Alberts did not have any meetings to report. Commissioner Gray attended a SCHRA meeting, a Dodge County Township Officers meeting and a Planning meeting. Commissioner Erickson attended a Dodge County Licensed Child Care Association Proclamation. Commissioner Tjosaas attended an Extension meeting, a Township Officers meeting, a Semcac meeting and a Day Care meeting.

Agency Reports

Motion by Gray seconded by Hanson to adjourn the meeting at 11:56 a.m. CST.  
*Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on March 23, 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: