

**TUESDAY, MARCH 10, 2009**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2009-05**

The Dodge County Board of Commissioners met in regular session March 10, 2009, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CST. David Hanson, Chair called the County Board of Commissioners 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 and established that there was a quorum:

Those Present

Members present:	Lyle Tjosaas	District #2
	David Erickson	District #3
	Don Gray	District #4
	David Hanson	District #5
Members absent:	Klaus Alberts	District #1
Also present:	David McKnight	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Erickson seconded by Tjosaas to approve and adopt the agenda as amended to include the addition of D.3 and D.4 to the personnel agenda, moving the public hearing for redetermination of County Ditches No. 1 and No. 5 to 10:00 a.m. and continuing today's meeting to next Tuesday in order to receive a budget update from Wold Architects on the renovation of the new Service Center building and to tour the new building. *Motion adopted unanimously.*

Agenda Approved

County Engineer Guy Kohlnhofer met with the Board to discuss Federal Area Transportation Planning (ATP) funding.

Federal ATP Funding Discussion

The County Engineer informed the Board that his office applied for federal funding to help assist with the reconstruction of CSAH 24 from West Concord to Old Concord. Funding was awarded in the amount of \$2,000,000 dollars for fiscal year 2013. These are federal funds made available through the ATP committee.

The plan is to reconstruct the road to a cross section similar to that of CSAH 16 with four foot paved shoulders and an additional two foot aggregate shoulder. The ditches will be flattened and curves straightened to improve safety. The reconstruction of CSAH 24 is on the Highway Department's capital plan for 2013 with the hopes that federal funds would be received.

The total project is expected to cost approximately \$2,500,000 plus engineering and right-of-way purchase.

Mr. Kohlhofer reported that this is for informational purposes only and that no action was needed at this time.

Federal ATP Funding Discussion - Continued

The County Board commended Mr. Kohlhofer for his work on this project.

Employee Relations Director Lisa Hager shared with the Board a Letter of Understanding regarding the 2009 wage scale in the Local #49 – Highway Union contract.

Letter of Understanding with Local #49 – Highway Union Approved

Ms. Hager stated that the union believes the scale was off by one cent on two of the positions due to a rounding error after applying the percentage increase. The Employee Relations Director agrees with the union.

Motion by Erickson seconded by Tjosaas to approve and authorize the Employee Relations Director to sign the Letter of Understanding with the Local #49 – Highway Union as presented. *Motion adopted unanimously.*

Ms. Hager presented the Personnel Agenda for the Boards consideration. Chief Deputy Jim Trihey was available to answer questions on the request to fill a vacant Transportation Office position. Motion by Gray seconded by Erickson to approve the following personnel actions:

Personnel Actions Approved

**A. Sheriff's Office**

A.1 Lucy Wood – Transport Officer Termination.

Effective Date: 3/2/09

A.2 Transport Officer – On-Call Authorization to fill vacancy created by termination.

Effective Date: 3/10/09

A.3 Robert Hovland – Deputy Sheriff Step increase from C41 60 month step \$24.35 to C41 72 month step \$24.93.

Effective Date: 3/11/09

**B. Human Services**

B.1 Jane Hardwick – Human Services Director Six month review.

Effective Date: 2/18/09

B.2 Zola Bennett – Case Aide Annual review.

Effective Date: 3/12/09

B.3 Ann Adamson – Office Support Specialist Step increase from A13 step 6 \$12.46 to A13 step 5 \$12.84.

Effective Date: 3/5/09

**C. Administration**

C.1 Custodian/Maintenance – FT Authorization to fill vacancy created by resignation.

Effective Date: 3/10/09

C.2 Tobey Hicks – Information Support Specialist Step increase from B24 step 8 \$16.80 to B24 step 7 \$17.22.

Effective Date: 3/17/09

Personnel Actions  
Approved -  
Continued

**D. Public Health**

- D.1 Deborah Harlow – Public Health Nurse - .8 FTE  
Annual review.  
Effective Date: 3/23/09
- D.2 Amy Ewing – Administrative Secretary - .6 FTE  
Regular status and step increase from A13 step 7 \$12.10 to A13 step 6 \$12.46.  
Effective Date: 3/26/09
- D.3 Teresa Prond – PHN 1 .65 FTE  
Resignation.  
Effective Date: 4/03/09
- D.4 PHN 1 - .65 FTE  
Authorization to fill vacant position.  
Effective Date: 3/10/09

**E. County Attorney**

- E.1 Stephanie Morris – Paralegal  
Step increase from B31 step 6 \$17.64 to B31 step 5 \$18.06.  
Effective Date: 2/26/09

*Motion adopted unanimously.*

Finance Director Lisa Kramer discussed with the Board the redetermination of benefits and damages and the appointment of Engineers and Viewers for redetermination of County Ditch No. 4 and County Ditch No. 7

Redetermination of  
Benefits and  
Damages and  
Appointment of  
Engineers and  
Viewers for County  
Ditches No. 4 and  
No. 7 Discussed

Pursuant to approval of the redetermination of benefits and damages for County Ditch No. 4 and County Ditch No. 7 the County Board must approve a resolution appointing an engineer and a resolution appointing the viewers for each ditch.

Ms. Kramer has been pleased with the work the engineer and viewers completed on Ditches No. 1 and No. 5. The Finance Director recommends that the county use the same people for Ditches No. 4 and No. 7. The engineering firm Ms. Kramer recommends is Jones, Haugh, & Smith, Inc. and the viewers recommended are Chris Christianson, Wesley Tennis, and Robert Hansen.

Motion by Erickson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-17 in support of an order appointing an engineer in the matter of redetermination of benefits of Dodge County Ditch No. 4. Dodge County, Minnesota:

Order Appointing  
Engineer for County  
Ditch No. 4 Approved  
by Resolution  
#2009-17

**ORDER APPOINTING ENGINEER**

**WHEREAS**, the Dodge County Board of County Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

**NOW THEREFORE BE IT RESOLVED**, that Jones, Haugh & Smith, Inc. an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the Dodge County Finance office for the purpose of assisting the Viewers in their duties pursuant to M.S. § 103E.311. Such duties shall include, but not be limited to, preparation of maps and data as follows:

Order Appointing  
Engineer for County  
Ditch No. 4 Approved  
by Resolution  
#2009-17 -  
Continued

1. Locating and plotting watershed boundaries;
2. Plotting county ditches and tile on maps;
3. Determination and plotting ownership boundaries;
4. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
5. Such other technical assistance as the Viewers may request.

*Resolution adopted unanimously.*

Motion by Erickson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-18 in support of an order appointing viewers in the matter of redetermination of benefits of Dodge County Ditch No. 4. Dodge County, Minnesota:

Order Appointing  
Viewers for County  
Ditch No. 4 Approved  
by Resolution  
#2009-18

**ORDER APPOINTING VIEWERS**

**WHEREAS**, the Dodge County Board of County Commissioners hereby determines that the original benefits or damages determined in drainage proceedings for Dodge County Ditch No. 4 do not reflect present day land values or that the benefited or damaged areas have changed.

IT IS THEREFORE ORDERED, that:

Chris Christianson  
27258 – 810th Avenue  
Hollandale, MN 56045

Wesley J. Tennis  
23086 – 820th Avenue  
Hayward, MN 56043

Robert M. Hansen  
P.O. Box 152  
1100 Park St. W  
Freeborn, MN 56032

Three disinterested residents of the state, be and hereby are appointed Viewers to redetermine and report the benefits and damages and the benefited and damaged areas of Dodge County Ditch No. 4.

**IT IS FURTHER ORDERED**, that the Viewers, after taking an oath to faithfully perform their duties as Viewers and, after having received from the County Finance Director, certified copies of the Order appointing them as Viewers and of the Order designating the time and place of their first meeting, proceed with their work as such Viewers pursuant to law and make and file their Report with the Auditor at the earliest possible date.

*Resolution adopted unanimously.*

Order Appointing Viewers for County Ditch No. 4 Approved by Resolution #2009-18 - Continued

Motion by Erickson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-19 in support of an order appointing an engineer in the matter of redetermination of benefits of Dodge County Ditch No. 7. Dodge County, Minnesota:

Order Appointing Engineer for County Ditch No. 7 Approved by Resolution #2009-19

**ORDER APPOINTING ENGINEER**

**WHEREAS**, the Dodge County Board of County Commissioners has determined that the original benefits or damages determined in the above drainage system do not reflect reasonable present day land values or that the benefited or damaged areas have changed.

**NOW THEREFORE BE IT RESOLVED**, that Jones, Haugh & Smith, Inc. an engineering firm, is appointed as a competent and experienced civil engineer to make a preliminary survey and to make and file its report in the Dodge County Finance office for the purpose of assisting the Viewers in their duties pursuant to M.S. § 103E.3II. Such duties shall include, but not be limited to, preparation of maps and data as follows:

- 6. Locating and plotting watershed boundaries;
- 7. Plotting county ditches and tile on maps;
- 8. Determination and plotting ownership boundaries;
- 9. Computation of areas to be acquired for right-of-way and for one-rod grass strip; and
- 10. Such other technical assistance as the Viewers may request.

*Resolution adopted unanimously.*

Motion by Erickson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-20 in support of an order appointing viewers in the matter of redetermination of benefits of Dodge County Ditch No. 7. Dodge County, Minnesota:

Order Appointing Viewers for County Ditch No. 7 Approved by Resolution #2009-20

**ORDER APPOINTING VIEWERS**

**WHEREAS**, the Dodge County Board of County Commissioners hereby determines that the original benefits or damages determined in drainage proceedings for Dodge County Ditch No. 7 do not reflect present day land values or that the benefited or damaged areas have changed.

IT IS THEREFORE ORDERED, that:

Chris Christianson  
27258 – 810th Avenue  
Hollandale, MN 56045

Wesley J. Tennis  
23086 – 820th Avenue  
Hayward, MN 56043

Robert M. Hansen  
P.O. Box 152  
1100 Park St. W  
Freeborn, MN 56032

Order Appointing  
Viewers for County  
Ditch No. 7 Approved  
by Resolution  
#2009-20 -  
Continued

Three disinterested residents of the state, be and hereby are appointed Viewers to redetermine and report the benefits and damages and the benefited and damaged areas of Dodge County Ditch No. 7.

**IT IS FURTHER ORDERED**, that the Viewers, after taking an oath to faithfully perform their duties as Viewers and, after having received from the County Finance Director, certified copies of the Order appointing them as Viewers and of the Order designating the time and place of their first meeting, proceed with their work as such Viewers pursuant to law and make and file their Report with the Auditor at the earliest possible date.

*Resolution adopted unanimously.*

Ms. Kramer discussed with the Board a request to approve a SnoSeekers Snowmobile Club groomer purchase sponsorship resolution.

SnoSeekers  
Snowmobile Club  
Sponsorship  
Approved by  
Resolution #2009-21

The state Department of Natural Resources requests a resolution confirming Dodge County sponsorship of the Dodge Center SnoSeekers Snowmobile Club in support of their request for grant funds to purchase a new trail groomer. The Finance Director is requesting an approved resolution confirming that the county will act as a sponsor for the Dodge Center SnoSeekers Snowmobile Club with the addition of granting Ms. Kramer the ability to sign the grant agreements and related reports.

It was noted that the county does not provide any funds for trail maintenance but acts as a flow through agent for the state reimbursement.

Motion by Tjosaas seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-21 in support of the Dodge Center SnoSeekers Snowmobile Club request for grant funds to purchase a new trail groomer:

**WHEREAS**, Dodge County has two snowmobile clubs that maintain the county snowmobile trails; and

**WHEREAS**, these snowmobile clubs need the county to act as sponsor to receive their reimbursements from the State Department of Natural Resources; and

**WHEREAS**, the Finance Director needs County Board approval to sign the grant agreements and expense reports.

SnoSeekers  
Snowmobile Club  
Sponsorship  
Approved by  
Resolution #2009-21  
- Continued

**THEREFORE BE IT RESOLVED**, that the County Board approves the county sponsorship of the SnoSeeker Snowmobile Club for the purchase of a new trail groomer and gives approval to the County Finance Director to sign the related reports.

*Resolution adopted unanimously.*

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

Human Services  
Committee Report

Motion by Erickson seconded by Tjosaas to approve Human Services actions for February 2009, consistent with Human Services resolution #95-10:

Human Services  
Resolution #95-10 for  
February 2009  
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 reviewed the Human Service Director’s request to approve a contract for guardian-conservator services. When the court determines it necessary, county human services agencies must purchase adult conservator-guardian services for indigent clients. (When appropriate, the department petitions the court to assign a guardian-conservator.) Jane Hardwick recommends that the Board approve a contract to purchase such services from Gary Trelstad. Mr. Trelstad will join a list of three others with whom the county currently contracts for such services on a fee-for-service basis of \$33 per hour and transportation at the standard IRS mileage rate. Typical service plans for guardian-conservatorship services include three to four hours per month of service for a given client.

Human Services  
Contract for Guardian  
–Conservator  
Services Approved

As Human Services renews contracts with existing guardians-conservators, they are incorporating a requirement for providers to be bonded and insured. This contract includes such a provision.

Motion by Erickson seconded by Tjosaas to approve and authorize a Human Services contract for guardian-conservator services with Gary Trelstad on a fee-for-service basis cost of \$33 per hour and transportation at the standard IRS mileage rate as presented. *Motion adopted unanimously.*

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

Public Health  
Committee Report

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

Public Works  
Committee Report

The Board reviewed the County Engineer's request to approve a CSAH 12 resolution.

Certain Stop  
Intersections  
Approved by  
Resolution #2009-22

It has brought to the Highway Department's attention that several Mantorville city streets along CSAH 12 are uncontrolled intersections. The intersections in question are Scott Road, Mark Lane, Clover Street and Leprechaun Lane. The streets are located on the south side of the roads between CSAH 21 and 235<sup>th</sup> Avenue as shown on the map provided in the Board packet.

These streets were paved by the city a couple years ago. The Highway Department is not sure if stop signs were ever installed at these intersections as they progressed from a single home driveway to a city street.

These intersections access CSAH 12 and therefore fall under county jurisdiction and responsibility for sign placement and maintenance.

Motion by Gray seconded by Erickson to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-22 authorizing the placement of stop signs at four intersections to stop traffic prior to entering CSAH 12:

**WHEREAS**, the State of Minnesota Statute No. 169.06, Subd. 3 authorizes local authorities with reference to streets and highways under their jurisdiction, to place and maintain traffic-control devices upon highways under their jurisdiction; and

**WHEREAS**, it is considered necessary for the protection of lives and property that certain streets or highways be designated as through highways and that certain intersections be designated as stop intersections; and

**NOW THEREFORE BE IT RESOLVED**, that the Board of County Commissioners in and for Dodge County, Minnesota does hereby authorize and direct the County Engineer to cause to be placed stop sign as follows:

- Intersection of CSAH 12 and Scott Road, stopping northbound Scott Road traffic.
- Intersection of CSAH 12 and Mark Lane, stopping northbound Mark Lane traffic.
- Intersection of CSAH 12 and Clover Street, stopping northbound Clover Street traffic.
- Intersection of CSAH 12 and Leprechaun Lane, stopping northbound Leprechaun Lane traffic.

*Resolution adopted unanimously.*

The Board discussed the County Engineers request to approve 2009 bituminous projects.

2009 Bituminous  
Projects Bid Awarded

Bids were opened February 25, 2009 for the 2009 Bituminous projects that include the reclamation and paving of CSAH 5 and CR T.

Due to unknown budget issues the projects were bid together and with an option of only doing CSAH 5.

The following is a summary of the bids submitted:

Base Bid		Rochester S&G	Ulland Brothers, Inc.
CSAH 5	Surface reclamation and paving.	\$ 1,020,375.34	\$ 1,089,761.90
CR T	Surface reclamation and paving.	\$ 242,194.68	\$ 285,048.60
	Total	\$ 1,262,570.03	\$ 1,374,810.50

ALTERNATE			
CSAH 5 Only	Surface reclamation and paving.	\$ 1,011,428.95	\$ 1,089,761.90

The bid for paving of CR T is less than the \$290,000 budgeted for the project. The funds budgeted should not be unallocated until completion of the project to account for any overruns.

Motion by Gray seconded by Erickson to award the 2009 bituminous contract for reclamation and paving of CSAH 5 and CR T to Rochester Sand & Gravel for the base bid of \$1,262,570.03 with the County Engineer authorized to approve change orders and supplemental agreements up to 10% of the contract amount. *Motion adopted unanimously.*

The Board reviewed the Highway Department's request to approve Local Road Improvement Program Grant funds.

Local Road  
Improvement  
Program Grant  
Funds Approved by  
Resolution #2009-23

Dodge County has applied for and been awarded \$84,388 in grant funds from Minnesota's Local Road Improvement Program. These are funds similar to what we have used in the past for intersection and curve improvements. This year we will be using these funds to add paved shoulders to the CSAH 5 resurfacing project. These funds will nearly cover the cost of the two foot paved shoulders planned for this project.

In order to use these funds the county is required to pass a resolution accepting the funds and agreeing to cover any additional costs.

Motion by Gray seconded by Tjosaas to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-23 in support of the Highway Department accepting Local Road Improvement Program Grant funds:

**WHEREAS**, Dodge County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Local Road Improvement Project No. SAP 20-605-023; and

**WHEREAS**, the Commissioner of Transportation has given notice that funding for this local road improvement project is available; and

Local Road  
Improvement  
Program Grant  
Funds Approved by  
Resolution #2009-23  
– Continued

**WHEREAS**, the amount of the grant has been determined to be \$84,388.00 by reason of the lowest responsible bid.

**NOW THEREFORE BE IT RESOLVED**, that Dodge County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52, subdivision 5, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road project, but not required.

*Resolution adopted unanimously.*

Chair David Hanson opened the public hearing to discuss the redetermination of benefits and damages on County Ditch No. 1 and County Ditch No. 5 at 10:06 a.m. CDT.

County Ditches No. 1  
& 5 Redetermination  
of Benefits and  
Damages Public  
Hearing Opened

Ms. Kramer reported that the Engineer and Viewers have completed the redetermination work on County Ditch No. 1 and County Ditch No. 5. The Finance Director has been pleased with their work and feels that this is a more accurate reflection of the benefits each landowner receives from these two ditch systems.

Redetermination of  
Benefits and  
Damages on County  
Ditch No. 1 and  
County Ditch No. 5  
Discussion

Property owner Mark Moenning on behalf of himself and partner David Moenning shared his concerns regarding the redetermination of County Ditch No. 1. Mark and David Moenning are the owners of the southwest and southeast quarter in section 27 of Ashland Township where County Ditch No. 1 originates and outlets. It was Mr. Moenning’s opinion that this tile system has had problems for many years because of the way it was installed. Over the years the Moennings have bore the cost of much of the upkeep so they feel a redetermination of assessments is in order. Mr. Moenning reported that Jim Hruska has been tracking most of the problems but feels that more should be done to alleviate some of the pressure on this system. The Moennings have initiated some discussion with a couple of engineers to get estimates of cost and ideas for sub-maining, etc. A tile map was provided for the Board’s review prior to the meeting. Mr. Moenning informed the Board that they do object to the price for the permanent easement on the outlet side of this system in the southeast quarter. The Moennings are unsure of the basis for the valuation but feel Ashland land is probably worth \$5,000+ in today’s market. Mark Moenning asked that the County Board raise this value to be more reflective of Ashland’s values.

Mr. Moenning reiterated that he was okay with the redetermination but questioned the valuation and wanted to know if it will stay on the tax rolls and what the process was.

The group acknowledged that there are some issues with pressure on this system.

Ditch Inspector Jim Hruska reported that the sub-maining work the Moenning's are recommending would require a petition from the property owners, this has not been done. Mr. Hruska noted that land values do not meet present values and referred to a section from Chapter 103E, drainage law which reads as follows:

103E.351 Redetermination of benefits and damages.

Subdivision 1. Conditions to redetermine benefits and damages; appointment of viewers. If the drainage authority determines that the original benefits or damages determined in a drainage proceeding do not reflect reasonable present day land values or that the benefited or damaged areas have changed, or if more than 50 percent of the owners of property benefited or damaged by a drainage system petition for correction of an error that was made at the time of the proceedings that established the drainage system, the drainage authority may appoint three viewers to redetermine and report the benefits and damages and the benefited and damaged areas.

Mr. Hruska clarified that the work the Moenning's were suggesting was considered Works of Improvement and that these would have to be requested from the landowners via a petition. A petition would involve working with an attorney, getting signatures from property owners, obtaining pricing information and finally coming before the County Board of Commissioners requesting improvements to the system.

Mark Moenning wanted to know where the valuation information came from.

Ms. Kramer reported that the valuation information comes from the Assessor's office.

The Board thanked Mr. Moenning and Mr. Hruska for the information.

Motion by Erickson seconded by Tjosaas to close the County Ditch No. 1 and County Ditch No. 5 redetermination of benefits and damages public hearing on at 10:20 a.m. CDT. *Motion adopted unanimously.*

Motion by Erickson seconded by Gray to accept the Viewers Report of Determination of Benefits and Damages for County Ditch No. 1 and County Ditch No. 5. The benefit schedule will become effective in 2010. *Motion adopted unanimously.*

The Board thanked the viewers for their work.

Redetermination of Benefits and Damages on County Ditch No. 1 and County Ditch No. 5 Discussion - Continued

Redetermination of Benefits and Damages Public Hearing Closed

Viewers Report for County Ditch No. 1 and County Ditch No. 5 Accepted

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

Bills Approved

01	Revenue Fund	\$ 69,483.10
11	Human Services Fund	\$ 107.00
13	Road and Bridge Fund	\$ 36,856.15
16	Environmental Quality Fund	\$ 24,386.71
32	County Capital Projects	<u>\$ 3,022.15</u>
	Total	\$133,855.11

*Motion adopted unanimously.*

Ms. Culbertson discussed with the Board an abatement request.

Property Tax Penalty  
& Interest Abatement  
Request Denied

Marjorie and Gary Snyder have submitted a request to abate the penalty and interest for their 2008 second half taxes. Fire destroyed their home in May of 2008. They filled out the paperwork to have the second half taxes abated. Mrs. Snyder stated that they were not informed they needed to pay their taxes in full before a refund was made. It is the normal practice of the Assessor's office to tell the taxpayer that taxes must be paid for the abatement process to continue. The amount of the abatement cannot be figured until the home is again occupied. Although the circumstances cause the Finance office to have empathy for the taxpayer and their situation, it is still the responsibility of the home owner to pay their taxes on time.

Motion by Erickson seconded by Gray to deny the property tax penalty and interest abatement request of Marjorie and Gary Snyder in order to remain consistent with past decisions. *Motion adopted unanimously.*

County Administrator David McKnight shared with the Board a letter regarding the High Country Wind Energy project.

Proposed High  
Country Wind Project  
Discussion

Commissioners were provided in their Board packet a copy of a letter dated February 25, 2009 that Commissioner Hanson received from Westwood Professional Services asking Dodge County if we would like to comment on their plans to obtain a site permit from the Minnesota Public Utilities Commission for the High Country Wind Project.

Commissioner Hanson wanted to make sure each of the board members was aware of this request and allow some time on the agenda to provide staff some guidance on any comments they would like to submit on behalf of the county.

The County Administrator reported that he was looking for any guidance the Board could provide and will take these comments and submit them in a letter on the Board's behalf.

Commissioner Erickson wanted to communicate the fact that the county is working on an ordinance right now and that nothing has been approved yet.

Proposed High  
Country Wind Project  
Discussion -  
Continued

Mr. Erickson also questioned why the northern project needed a Certificate of Need.

Planning Director Duane Johnson clarified that the Certificate of Need is based on the status of CBED. The south site was previously addressed, but the north side was not.

Mr. Johnson noted that he does have written comments regarding the project that he will share with the County Administrator.

Commissioner Erickson discussed his concerns regarding roads, infrastructure, tile, inspections and decommissioning.

County Attorney Paul Kiltinen was available to comment on the project.

The County Administrator indicated that he felt he had the information he needed in order to draft a letter to Westwood Professional Services to provide input on the proposed High Country Wind Project on behalf of the County Board.

Mr. McKnight reviewed with the Board a proposal to lease office space for 4-H.

Lease of Office  
Space for 4-H  
Approved

The County Administrator provided for the Board's consideration a draft lease for office space to be used for our 4-H activities located at 33 East Veterans Memorial Highway in Kasson. The building is owned by Richard and Michelle Massey and is located next door to Massey Land Surveying.

Commissioner Hanson, Commissioner Tjosaas and Mr. McKnight went through the building and all thought it was an excellent office space for 4-H. The space offers a large lobby area, a cove for office supplies/copy machine, three offices and a small kitchen/bathroom area. There is a garage in this building but that is not a part of the leased space.

Some of the terms of the lease include:

- Three year lease commencing on April 1, 2009.
- Rent of \$600 per month the first year, \$625 the second year and \$650 the third year.
- The county would be responsible for light and telephone costs with the owner responsible for storm sewer, sanitary sewer, water fees and gas for heating.

The County Attorney noted that the lease is similar to leases that he has seen and that he did not have a problem with the lease as submitted.

Motion by Tjosaas seconded by Gray to approve and authorize the signature of the County Board Chair on the Lease of Commercial Building between Dodge County and Richard and Michelle Massey and authorize the Finance Department to submit payment for the security deposit of \$1,000 and the first month's rent in the amount of \$600. *Motion adopted unanimously.*

Lease of Office Space for 4-H  
Approved -  
Continued

The County Administrator discussed aggregate tax with the Board.

Aggregate Tax Discussion

At the February 24, 2009 County Board meeting Commissioner Alberts brought up the issue of the aggregate tax and the changes that were made to this tax during the 2008 legislative session. The Board's direction at that meeting was to put this item on the agenda for discussion.

Mr. McKnight provided the following aggregate history for the Board.

The 2001 legislature granted counties the authority to impose an aggregate materials tax on aggregate taken from the ground in each county. The Dodge County Board approved this tax on January 8, 2002 to be effective on February 1, 2002. A public hearing was held on this issue on November 15, 2001 to provide an opportunity for the public to comment on the issue.

Dodge County has collected the following amounts per year in aggregate tax:

2002	County-	\$ 7,336.45	Townships-	\$ 5,842.06
2003	County-	\$14,721.56	Townships-	\$ 6,309.24
2004	County-	\$25,228.31	Townships-	\$10,812.03
2005	County-	\$12,323.58	Townships-	\$ 5,281.54
2006	County-	\$21,334.90	Townships-	\$ 9,143.56
2007	County-	\$10,927.15	Townships-	\$ 4,683.06
2008	County-	\$ 9,378.62	Townships-	\$ 4,019.41

Legislative change was discussed. The 2008 legislature made a few changes to the aggregate materials statute that went into effect on January 1, 2009. No one at the county was aware of the changes that were made by the legislature until February of this year. As soon as we became aware of these changes we notified all of the gravel pit owners to let them know of the change.

Aggregate Tax Discussion -  
Continued

The changes that were made to the statute include:

1. The tax was increased from \$0.10 per cubic yard to \$0.215 per cubic yard or increased from \$0.07 per ton to \$0.15 per ton.
2. The original legislation divided the tax between the county (70%) and the townships (30%). Dodge County decided in 2002 to divide the townships share of the revenue equally among the 12 townships. The new legislation changes the revenue distribution to 5% to the county as an administrative fee, of the remaining 95%, 42.5% to the county, 42.5% to the township in which the mine is located and 15% to a special reserve fund to restore abandoned pits and if there are none this money shall be used for any other unmet reclamation need or for conservation or other environmental needs.

The County Administrator shared comments from AMC. Mr. McKnight reported that he did inquire with AMC on the reasoning for this statute change and received the following note from Joe Matthews:

Aggregate Tax Discussion - Continued

*The aggregate companies wanted to provide additional compensation to host communities for road impacts and reclamation. There was strong resistance to a host- fee from townships but they did not oppose an increase in the overall tax with some adjustments in where the monies went. The intention was to have no net impact on counties but provide more funds for communities most impacted by the gravel operations.*

Mr. Matthews also let the County Administrator know that one county has dropped the tax because they felt it was excessive. The aggregate representatives were nervous that this trend might start and they do not want to see the gravel tax disappear because they are concerned that it makes it more difficult to get cooperation from local governments when starting up or maintaining the operations.

Mr. McKnight noted that at this point the Board has two options to consider in regards to the aggregate tax.

Motion to Rescind Aggregate Tax Ordinance Withdrawn

1. Continue the tax at the new rates put in place by the legislature.
2. Drop the tax as of December 31, 2008 and reduce the budget for 2009 and not count on any additional revenue from this source in future budgets.

Motion by Erickson seconded by Tjosaas to rescind Aggregate Tax Ordinance 2002-1 effective December 31, 2008.

Commissioners discussed the fact that it will require a public hearing to re-institute the ordinance if rescinded. Also noted was that rescinding this ordinance will have an effect on the Highway Department's budget.

Commissioner Erickson and Tjosaas withdrew their motion and second to rescind Aggregate Tax Ordinance 2002-1 in order to allow commissioners time to talk to the townships.

The aggregate tax discussion will be brought back at the next meeting.

The County Administrator provided the Board with a 2008 fourth quarter financial report.

2008 Fourth Quarter Financial Report

Assistant Zoning Administrator Melissa DeVetter presented for the Board's consideration the March 4, 2009 Planning Commission Recommendations. Motion by Erickson seconded by Gray to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on March 4, 2009 with the reasons, recommendations and conditions as found in the individual permit:

Planning  
Commission  
Recommendation  
CUP #06-21 (Amend)  
Approved

**Dave Gosch – CUP #06-21 (Amend)**

The public hearing is to consider a request to amend a Conditional Use Permit #06-21 to allow an expansion of an existing hog feedlot with 1,200 head of hogs for a total of 3,200 head or 1,280 animal units by the Dodge County calculation of 960 animal units by MPCA. The property is 31 acres located in the NE 1/4 of the NW 1/4 of Section 13, Vernon Township. Dave Gosch 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 be obtained before construction of the building
2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
3. Feedlot Advisory Report dated February 17, 2009.
4. Additional property shall be transferred and survey shall be recorded no later than December 31, 2009.

*Motion adopted unanimously.*

Motion by Gray seconded by Tjosaas to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on March 4, 2009 with the reasons, recommendations and conditions as found in the individual permit:

Planning  
Commission  
Recommendation  
CUP #06-12  
(Review) Approved

**Steve Garness – CUP #06-12 (review)**

The Planning Commission recommends approval for an extension of CUP #06-12 for three years with a review at that time. The extension would expire on April 11, 2012.

*Motion adopted unanimously.*

Motion by Gray seconded by Tjosaas to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on March 4, 2009 with the reasons, recommendations and conditions as found in the individual permit:

Planning  
Commission  
Recommendation  
CUP #08-11  
(Extension) Approved

**Neal Knutson – CUP #08-11 (extension)**

The Planning Commission recommends approval for an extension of CUP #08-11 for one year based on reasons stated in the letter from owner, Neal Knutson dated February 6, 2009. CUP #08-11 would be extended from May 13, 2009 to May 13, 2010 with the following conditions:

1. Dodge County Zoning Permit be obtained before construction.
2. Dwelling shall not be built on 12% slope or greater unless accompanied by an engineer's plans.
3. The Agricultural Covenant shall be signed and recorded.
4. The septic system must meet the Dodge County's septic ordinance.
5. Driveway access and permits be obtained from the Township.
6. No development on land which has a slope of 18% or greater.
7. Address be obtained from Dodge County Highway Department.

Planning  
Commission  
Recommendation  
CUP #08-11  
(Extension) Approved  
- Continued

*Motion adopted unanimously.*

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

Legal Update

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

Administration  
Committee Report

Motion by Tjosaas seconded by Gray to approve and authorize the February 24, 2009 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

02/24/09 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Erickson seconded by Gray to approve and authorize the February 24, 2009 meeting minutes as corrected on page 53. *Motion adopted unanimously.*

02/24/09 Meeting  
Minutes Approved

The County Administrator reviewed his request to approve a 2009 DFO Joint Powers Agreement.

DFO Joint Powers  
Agreement for 2009  
Approved

The Board was provided in their Board packet with a copy of the 2009 Joint Powers Agreement between Dodge, Olmsted and Fillmore counties for the DFO Community Corrections program. The joint powers agreement is very similar to those approved in previous years.

Commissioner Erickson asked for clarification on budget formula used. The County Administrator indicated that he would get that information from DFO Executive Assistant Wendy Hightshoe.

Motion by Erickson seconded by Tjosaas to approve and authorize signatures of the County Board Chair and County Administrator on the DFO Joint Powers Agreement for 2009. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Hanson attended a Trails meeting, a SEAAA meeting, a Planning and Zoning meeting, a Township Officers meeting and a Southeast Water HRC meeting. Commissioner Alberts was not available to report his meeting attendance. Commissioner Gray attended a SCHRC meeting and a County Township Officers meeting. Commissioner Erickson attended a Cedar River Watershed meeting and a Public Information meeting at the Nature Center in Austin. Commissioner Tjosaas attended a Daycare meeting, an Extension meeting, a Planning and Zoning meeting, a Township Officers meeting and two Semcac meetings.

Agency Reports

The Chair recessed the meeting at 11:30 a.m. CDT until Tuesday, March 17, 2009 at 9:30 a.m. at the Fairview Care Center in Dodge Center, MN in order to receive a budget update from Wold Architects on the renovation of the new Public Health building and to tour the new building to see the progress.

Meeting Recessed

The Chair reconvened the meeting on March 17, 2009, at the Fairview Care Center, Dodge Center, MN, at 9:35 a.m. CST.

Meeting Reconvened

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 Hanson	District #5
Members absent:	David Erickson	District #3
	Don Gray	District #4
Also present:	David McKnight	County Administrator

John McNamara of Wold Architects updated the Board on the progress of the Service Center project in Dodge Center. The project is on budget and almost complete. Mr. McNamara noted that they are currently experiencing a delay due to a transformer issue.

Service Center  
Change Order  
Number Three  
Approved

Mr. McNamara reviewed a number of minor changes that the project has incurred. The following items were included in change order number three:

• PR #3	Change to Storm Pipe	- \$2,000
• PR #9	Credit for Floor Leveling	- \$1,580
• PR #10	Credit for Bath Accessories	- \$ 279
• PR #12	Electrical Panel and Wiring	\$ 532
• PR #13	Add Additional Load to Generator	\$ 536
• PR #14	Replace Existing Handrail	\$1,894
		<u>- \$ 897</u>

Motion by Tjosaas seconded by Alberts to approve change order number three on the Service Center project. *Motion adopted unanimously.*

The Board toured the Service Center building.

Service Center  
Building Tour

Motion by Tjosaas seconded by Alberts to adjourn the meeting at 10:30 a.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on March 24, 2009 at 9:30 a.m. CST.

Next Regular  
Meeting

**ATTEST:**

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**DAVID HANSON**  
**CHAIR, COUNTY BOARD**

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**BECKY LUBAHN**  
**DEPUTY CLERK**

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**DATED:**