

TUESDAY, MAY 12, 2009

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2009-09

The Dodge County Board of Commissioners met in regular session May 12, 2009, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. David Hanson, Chair called the County Board of Commissioners meeting to order at 9:31 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:	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:	David McKnight	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Tjosaas seconded by Alberts to approve and adopt the agenda as amended to include the addition of a Human Services committee report and two Human Services action items at 10:55 a.m. CDT. *Motion adopted unanimously.*

Agenda Approved

County Administrator David McKnight discussed with the Board the proposed Sheriff appointment.

Sheriff Appointment
Approved by
Resolution #2009-28

Mr. McKnight reported that he and commissioners Hanson and Tjosaas met with Chief Deputy Sheriff Jim Trihey on Monday, May 4, 2009 to discuss the soon to be vacant office of Sheriff due to the upcoming retirement of Sheriff Gary Thompson. The commissioners and Mr. Trihey had an excellent discussion on his experience here in Dodge County as a deputy, investigator and as chief deputy. In addition Mr. Trihey shared some of his future plans for the Sheriff's Department.

The two commissioners and Mr. Trihey discussed in detail the salary of the Sheriff position in Dodge County comparing it to other Dodge County department heads and others county sheriff positions in southeast Minnesota. The history of the salary in the county and the impact of the current state of the economy were also discussed. The meeting was a professional and very productive meeting for both sides.

Mr. McKnight recommended that the Board appoint Jim Trihey as Sheriff effective July 1, 2009 and noted that the proposed salary level is the same salary that the Board set for Sheriff Thompson for 2009.

The County Administrator provided the Board with a copy of the agreement that the Board approved in 2003 in regards to the continuation of health insurance benefits for five years for Mr. Trihey upon his retirement from Dodge County. If the proposed resolution is approved by the County Board Mr. Trihey will be sworn in as Dodge County Sheriff on July 1, 2009.

Sheriff Appointment
Approved by
Resolution #2009-28
- Continued

Commissioners Hanson and Tjosaas commented that they had an opportunity to talk to Mr. Trihey and are very comfortable with appointing him as Sheriff for the remainder of Mr. Thompson's term.

Discussion took place regarding an article in the Rochester Post Bulletin and comments from surrounding counties that do not agree with Dodge County's decision to appoint a Sheriff rather than take applications for the position.

Commissioner Gray stated that he feels that the Board's decision to appoint a Sheriff should not be affected by what the Rochester Post Bulletin or what other counties say. Mr. Gray commented that he was in favor of appointing Mr. Trihey as the next Dodge County Sheriff.

Commissioner Alberts commented that he knows the Sheriff and Chief Deputy and does not care what the surrounding counties think of the Board's decision to appoint Mr. Trihey.

Mr. McKnight clarified that the County Board is required by statute to appoint a replacement for the office of Sheriff upon the resignation of the office holder.

Motion by Tjosaas seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-28 appointing Jim Trihey as Dodge County Sheriff effective July 1, 2009:

WHEREAS, Gary Thompson is the Sheriff of Dodge County serving an elected term of office expiring on January 3, 2011; and

WHEREAS, Sheriff Thompson has submitted his letter of retirement dated April 8, 2009 effective June 30, 2009; and

WHEREAS, Minnesota Statute 375.08 states in part, "When a vacancy occurs in the office of sheriff, the county board shall fill it by appointment;" and

WHEREAS, pursuant to Minnesota Statute 375.08 personal service of the notice of the County Board's intention to fill the vacancy occurred at the regular meeting of April 14, 2009.

NOW THEREFORE BE IT RESOLVED, that:

1. A vacancy in the office of Sheriff will occur on July 1, 2009.
2. Jim Trihey is appointed as the Dodge County Sheriff effective July 1, 2009 to fill the unexpired term of Gary Thompson through January 3, 2011.
3. In recognition of the duties of the office and Mr. Trihey' experience that a salary of \$82,658.94 for 2009 is established. This salary will be prorated for the remainder of 2009.

4. Mr. Trihey's accrued but unused PTO will be paid out to him on the first paycheck after July 1, 2009.
5. The letter of agreement approved by the County Board on January 7, 2003 is continued with the appointment as Sheriff.
6. The County Board waives any county policies in place on posting vacant job postings due to the unique nature of this opening.

Sheriff Appointment
Approved by
Resolution #2009-28
- Continued

Resolution adopted unanimously.

The Board congratulated Mr. Trihey on his appointment as the next Sheriff of Dodge County.

Sheriff Gary Thompson met with the Board to discuss a request to replace a patrol car.

Replacement Patrol
Car Purchase
Approved

Mr. Thompson reported that on April 14, 2009, one of the Sheriff's Office patrol cars, a 2005 Chevy Impala, was involved in an accident which resulted in the vehicle being totaled by our insurance carrier. Dodge County received \$5,800 for the car (\$6,800 minus the \$1,000 deductible).

The Sheriff informed the Board that they have some options regarding the replacement of this vehicle. They can find another patrol car from a pool fleet or they can put Captain Leonhardt's 2007 Impala patrol car into service as a fully marked car and replace that car with an administrative car, either a late model vehicle purchased locally or one from the pool fleet.

Mr. Thompson stated that he has been researching the dollar figures. An Impala police car from the pool will probably run slightly more than the \$18,933.40, depending on what is available. A pool administrative car will run approximately \$17,000 depending on what is available.

The Sheriff stated that in regards to purchasing locally, he found a 2008 Impala at Wanamingo Chevrolet at \$12,200. Mr. Thompson indicated that he has some reservations about this car and would want to do some research if this is the option they choose. The Sheriff noted that he also contacted Boe Chrysler in West Concord. Boe Chrysler currently does not have a suitable vehicle on their lot but did quote \$14,000-\$16,000 for a 2008 Charger, the price would depend on a number of factors. Boe Chrysler also mentioned that a 2007 Charger would be approximately \$2,000 less than a 2008, again depending on what is available.

Motion by Gray seconded by Alberts to approve and authorize the Sheriff's Office to purchase a new Impala police car from the pool fleet at a cost of approximately \$19,000 to replace the 2005 Chevy Impala that was totaled. *Motion adopted unanimously.*

Public Health Director Peggy Espey and Emergency Preparedness Coordinator Kelly Corbin provided the Board with an update on the current status of H1N1 novel influenza and Dodge County Public Health's response to date.

H1N1 Novel
Influenza Update

The Board thanked Ms. Espey and Ms. Corbin for the update.

GIS Specialist Jeff Mieras discussed with the Board setting a fee schedule for the Beacon online mapping system.

Fee Schedule for
Beacon Online
Mapping System
Approved

Mr. Mieras reported that on April 10, 2009, Dodge County opened the online mapping web page from the Schneider Corporations Beacon site. There are multiple levels of information available from this site. Basic information is provided at no cost and would be useful to the general public. The full version requires a subscription to be purchased from the county, this is intended for corporate level users. The GIS Specialist discussed with the Board what they thought would be an appropriate fee schedule for this service at the corporate level.

Mr. Mieras provided for the Board's consideration a fee schedule which represents an average sampling for other users of the Beacon site. The GIS Specialist proposed also adding a short free sample period of 24 hours for corporate level users, upon their request, to ensure the information meets their expectations.

The website will provide real estate information from the convenience of a personal computer, 24-hours a day, 7-days a week. Access is restricted by user name and password. Fees are based on the number of users and paid in advance either quarterly or annually. The fee structure will be re-evaluated periodically.

The Schneider Corporation, website creator and host, will provide a quarterly report on the number of hits for users with e-mail; a fee will be charged for paper reports.

Motion by Erickson seconded by Gray to approve an authorize the following fee schedule for the Beacon online mapping system:

Number of Users	Quarterly Fee	Annual Fee	Setup Fee
1 to 5	\$75	\$300	\$25
6 to 10	\$120	\$480	\$25
11 or more	\$180	\$720	\$25

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

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

Personnel Actions
Approved

A. Human Services

- A.1 Shannan Thompson – Child Support Officer
Step increase from B23 step 9 \$14.26 to B23 step 8 \$14.71.
Effective Date: 5/12/09
- A.2 Kathryn Haugen – Social Worker – Temporary
Authorization to employ at C42 step 9 \$18.45 to fill approved temporary vacancy.
Effective Date: 5/11/09 – 8/21/09

Personnel Actions
Approved -
Continued

- A.3 Nancy Reuvers – Social Services Supervisor
Annual review.
Effective Date: 3/16/09
 - B. Recorder’s Office**
 - B.1 Amy Kunkel – Data Entry – Temporary
Accept resignation.
Effective Date: 5/29/09
 - C. Public Health**
 - C.1 Patricia Busse – Public Health Nurse I - .45 FTE
Authorization to increase FTE from .45 to .60 to fill part of approved
vacancy.
Effective Date: 5/12/09
 - C.2 Public Health Nurse I - .2 FTE
Authorization to fill vacancy created by resignation and status changes of
current employees.
Effective Date: 5/12/09
 - D. County Attorney**
 - D.1 Mary Lewison - Legal Secretary - .5 FTE
Authorization to employ at B22 step 11 \$13.80 to fill approved vacancy.
Effective Date: 5/11/09
- Motion adopted unanimously.*

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

Bills Approved

01	Revenue Fund	\$ 95,005.45
11	Human Services Fund	\$ 3,666.00
13	Road and Bridge Fund	\$ 61,734.38
16	Environmental Quality Fund	\$ 4,368.94
32	County Capital Projects	<u>\$ 23,575.41</u>
	Total	\$188,350.18

It was noted that a bill to Streicher Guns on page eight in the amount of \$255.60 is being pulled. This bill will be resubmitted as a uniform expense instead of ammo/training supplies. *Motion adopted unanimously.*

Assistant Zoning Administrator Melissa DeVetter presented for the Board’s consideration the May 6, 2009 Planning Commission Recommendations. Motion by Gray seconded by Tjosaas to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on May 6, 2009 with the reasons, recommendations and conditions as found in the individual permit:

Planning Commission
Recommendation
CUP #08-19
Extension Approved

Jeff & Cindy Martin – CUP # 08-19 extension

The Planning Commission recommends approval for an extension of CUP #08-19 for one (1) year based on reasons stated in the letter from owner, Jeff and Cindy Martin dated March 3, 2009. C.U.P. #08-19 would be extended from July 8, 2009 to July 8, 2010 with the following conditions:

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

1. Dodge County Zoning Permit be obtained before construction.
2. The Agricultural Covenant shall be signed and recorded.
3. The septic system must meet the Dodge County’s septic ordinance.

Planning Commission
Recommendation
CUP #08-19
Extension Approved -
Continued

Motion adopted unanimously.

The Board discussed Jaguar Communications CUP #09-05 as reviewed on May 6, 2009 by the Planning Commission:

Planning
Commission
Recommendation for
CUP #09-05
Discussed

Jaguar Communications – CUP #09-05

The first public hearing is to consider an application for a Conditional Use Permit for the installation of major essential service. The planned route is located within the Right of Way starting at 600th Avenue at the Mower-Dodge County line running east on the north side of the centerline to 197th Avenue turning north, and remaining west of the centerline to CR-M within the Section 34, Hayfield Township. At CR-M the line runs north of the centerline east to CR-T (200th Avenue) diverting north on the west side of the centerline to State Highway 30 in Section 27, Hayfield Township. At State Highway 30 in Section 14 and 13 the line runs north of the centerline east to CSAH 9 (220th Avenue) south on the east side of the centerline to 750th Avenue crossing section 19 and 30, Vernon Township. North of the centerline heading east on 750th Street to 260th Avenue the line crosses Section 30, 29, 28, and 27, Vernon Township. The fiber optic cable then heads south on 260th Avenue to 755th Street east of the centerline in Section 35, Vernon Township. Lastly on the 755th Street the line parallels north of the centerline heading east to the Dodge/Olmsted County line crossing Section 35 and 36, Vernon Township. Jaguar Communications, Inc is the applicant.

The Planning Commission recommends tabling this request until June 3, 2009 to allow Jaguar Communication to meet with the Vernon Township.

No action was needed by the County Board at this time.

Motion by Gray seconded by Alberts to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on May 6, 2009 with the reasons, recommendations and conditions as found in the individual permit:

Planning Commission
Recommendation
CUP #09-06
Approved

Julianna Burzynski – CUP# 09-06

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 37.58 acres located in the NE ¼ of SE ¼, of Section 23, Milton Township. Julianna Burzynski is the applicant and Brian Green is 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 Ag Covenant shall be signed and recorded prior to issuance of zoning permit.
2. Dodge County Zoning Permit shall be obtained before construction.
3. The septic system must meet the county’s septic ordinance.

- 4. Driveway access permits shall be obtained. Access shall comply with Section 1604 of the Dodge County Zoning Ordinance.
- 5. Submit an Erosion Control Plan per Dodge County Ordinance Section 1617, prior to driveway and dwelling construction.
- 6. The well must be 50 feet from property line.

Planning Commission Recommendation CUP #09-06 Approved - Continued

Motion adopted unanimously.

Ms. DeVetter noted that the Planning Commission recommendation regarding amending Dodge County Zoning Ordinance; Section 1619 Animal Feedlot Part 4, Setback for feedlots was tabled. The Planning Commission tabled this item until June 3, 2009 meeting after taking testimony from the public hearing. Upon further discussion they decided to hold a committee meeting on Monday, May 11 to review input from the public and possible changes to the amendment language as proposed.

Dodge County Zoning Ordinance Amendment Discussed

No action was needed by the County Board at this time.

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

Legal Update

The County Attorney left the meeting at 10:54 a.m. CDT.

County Attorney Left Meeting

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

Public Health Committee Report

The Board discussed Public Health’s request to accept a donation for the Public Health Nest Program. Quilts have been donated by Faith Lutheran Church Dodge Center Quilters Group, Dodge Center, MN valued at \$142.00, KM Homemakers, Kasson, MN have donated baby items valued at \$12.50, private citizens have donated baby items valued at \$148.50 and the United Methodist Church Kasson Women’s Group, Kasson, MN has donated a check for \$75.00 for the Public Health Nest Program.

Public Health Donations Approved by Resolution #2009-29

Motion by Alberts seconded by Gray to approve and authorize the Chair and Clerk to sign resolution #2009-29 in support of the Public Health Department accepting donations for the Public Health Nest Program:

WHEREAS, the Dodge County Public Health Department has received donations from Faith Lutheran Church Dodge Center Quilters Group, Dodge Center, MN, KM Homemakers, Kasson, MN, private citizens and the United Methodist Church Kasson Women’s Group, Kasson, MN; and

WHEREAS, the Dodge County Public Health Department wishes to accept these donations and utilize them for the purpose of the Public Health Nest Program; and

WHEREAS, pursuant to Minnesota Statute 465.03, the county shall by resolution of the governing body adopted by a two-thirds majority of its members accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor.

NOW THEREFORE BE IT RESOLVED, that the Dodge County Board of Commissioners hereby accepts the following donations to be used for Public Health Nest Programs:

Public Health
Donations Approved
by Resolution
#2009-29 -
Continued

- Faith Lutheran Church Dodge Center Quilters Group, Dodge Center \$142.00 (quilts)
- KM Homemakers, Kasson, MN \$ 12.50 (baby items)
- Private Citizens \$148.50 (baby items)
- United Methodist Church Kasson Women’s Group, Kasson \$ 75.00 (check)

Resolution adopted unanimously.

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

Public Works
Committee Report

The Board discussed the County Engineers request to award the contract for Vernon Township flood repair.

Bid for Vernon
Township Flood
Repair Project
Awarded

Bids were opened May 5, 2009 for the project to repair flood damage on 720th Street in Vernon Township.

The project involves installing an H pile supported retaining wall to support the road embankment and rip rapping the base to prevent future erosion.

The following bids were submitted:

Minnowa Construction	\$ 62,530
Engineering & Construction Innovations	\$ 154,364

The low bid is \$2,530 more than the available flood funds obtained from the State. The Highway Department has an agreement with Vernon Township for them to cover any cost over the amount awarded. The County Engineer has received approval from Vernon Township to proceed with the project.

Motion by Gray seconded by Erickson to award contract to Minnowa Construction for the amount of \$62,530 with the County Engineer authorized to approve change orders and supplemental agreements up to 10% of the contract amount. Vernon Township will be kept informed during the project for any changes.
Motion 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 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 reviewed the Human Services Director's request to approve a contract amendment with South Central Human Relations Center (SCHRC). As Ms. Hardwick indicated earlier this year, Carolyn Wheeler, Executive Director of SCHRC, requested that Dodge, Steele, and Waseca county directors update the approved Medical Assistance (MA), General Assistance Medical Care (GAMC), and MinnesotaCare payment rates for targeted case management services for adults and children with mental illness or severe emotional disturbance. The rates have not been updated for several years. After a review of costs associated with the provision of these services, the directors have agreed to adjust the rates to \$428.74 per client per month for adults and \$737.83 per client per month for children. These rates were approved by the SCHRC Board of Directors on Monday, May 11, 2009.

SCHRC Contract
Amendment
Approved

Motion by Erickson seconded by Tjosaas to approve and authorize the proposed contract amendment with South Central Human Relations Center for calendar year 2009 as presented. *Motion adopted unanimously.*

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 April 23, 2009 joint meeting minutes as presented. *Motion adopted unanimously.*

04/23/09 Joint
Meeting Minutes
Approved

Motion by Erickson seconded by Gray to approve and authorize the April 28, 2009 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

04/28/09 Committee
of the Whole Meeting
Minutes Approved

Motion by Alberts seconded by Gray to approve and authorize the April 28, 2009 meeting minutes as presented. *Motion adopted unanimously.*

04/28/09 Meeting
Minutes Approved

The Board reviewed the Accounting Services Director's request to approve a gambling permit for Holy Family Catholic Church.

Holy Family Catholic
Church Gambling
Permit Approved

Holy Family Catholic Church has requested a gambling permit for bingo at the Dodge County Fair July 15-19, 2009 to raise money for the church. This event will be held at the Dodge County Fairgrounds, Kasson, MN.

The license fee of \$25.00 has been paid and the Certificate of Exempt Status was submitted. The license application has also been submitted and approved by Mantorville Township.

Holy Family Catholic Church Gambling Permit Approved - Continued

Motion by Alberts seconded by Tjosaas to approve a gambling permit for Holy Family Catholic Church as requested. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Hanson attended a meeting with the Sheriff, a DCTA meeting, a Planning and Zoning meeting, a Township Officers meeting, a SE Water Joint Powers meeting and a HRC Joint Powers meeting. Commissioner Alberts attended a Township Officers meeting, an Extension meeting, a Planning meeting and an AMC meeting. Commissioner Gray attended a P.A.C. Highway 14 meeting, a Planning and Zoning meeting, a Township Officers meeting and a South Central H.R.C. meeting. Commissioner Erickson attended an Extension Committee workshop, an AMC Legislative conference, a Dodge County Planning and Zoning meeting, a High Speed Rail meeting, a Dodge County Township Officers meeting, a meeting at the courthouse to discuss rail issue and a Dodge County Planning and Zoning special meeting. Commissioner Tjosaas attended an Extension meeting, an AMC meeting, a meeting with Commissioner Hanson and the Chief Deputy, an Extension meeting, a Planning and Zoning meeting, a Township Officers meeting and a Semcac meeting.

Agency Reports

Motion by Gray seconded by Alberts to adjourn the meeting at 11:32 a.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on May 26, 2009 at 9:30 a.m. CDT.

Next Regular Meeting

ATTEST:

DAVID HANSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: