

TUESDAY, JUNE 23, 2009

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2009-12

The Dodge County Board of Commissioners met in regular session June 23, 2009, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. Lyle Tjosaas, Vice 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 Vice 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
Members absent:	David Hanson	District #5
Also present:	David McKnight	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Erickson seconded by Gray to approve and adopt the agenda as amended to include the addition of a closed session at 11:20 a.m. CDT to consider purchasing the property located at 721 Main Street, Mantorville, MN. *Motion adopted unanimously.*

Agenda Approved

Citizens Against Rochester's Bypass representatives Orin Johnson and Kathy King met with the Board to discuss concerns with the proposed railroad through Dodge County.

Railroad Concerns
Discussion

Citizens Against Rochester's Bypass is a grass-roots organization formed in 1998 for the purpose of protecting the rural environment of Olmsted County. That environment was threatened by several proposals advanced by the Mayo Clinic and the City of Rochester for the construction of a lengthy rail bypass of the community, in order to divert traffic from the existing through-city route.

Citizens Against Rochester's Bypass successfully fought prior efforts to require construction of a rail bypass. In 2002, the Surface Transportation Board found that the existing through-city route was environmentally superior to construction of a new and duplicative bypass. That determination was affirmed by the United States Court of Appeals for the Eighth Circuit.

Railroad Concerns Discussion - Continued

Citizens Against Rochester’s Bypass feel the proposed bypass is unneeded and may never be used. Appropriation of funds for this “train to nowhere” would be a massive waster of public funds. The request for such funds should be denied.

Other items discussed included the group’s opinion that this is a Mayo Clinic want and not a need, soil concerns, topography concerns, the lack of need for coal trains, railroad crossings and the impact of railroad crossings on schools.

Kathy King briefly discussed her involvement in prior efforts to contest the construction of a rail bypass in Olmsted County.

Orin Johnson stated that there is no benefit to Dodge County to have this rail in Dodge County.

Commissioner Alberts suggested that the Board send a letter to the City of Rochester, Olmsted County and Mayo Clinic encouraging them to work with Canadian Pacific to resolve the railroad issues in Dodge County.

County Administrator David McKnight reported that he feels the Board needs more discussion on this item so the Board can determine their position on this issue before any letters are sent.

Commissioner Erickson suggested directing staff to draft a letter to the City of Rochester, Olmsted County and Mayo Clinic to be reviewed after the regional rail public hearing in July.

The Board thanked Mr. Johnson and Ms. King for the update on the rail issue.

Drug Court Coordinator Eric Thompson’s discussed with the Board a request to accept donations for the 2009 Sober Fest event.

2009 Sober Fest Program Donations Approved by Resolution #2009-35

Motion by Erickson seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-35 accepting donations for the 2009 Sober Fest program:

WHEREAS, the Drug Court receives donations from time to time from individuals and/or organizations; and

WHEREAS, Drug Court wishes to accept these donations and utilize them for the purpose of sponsoring the 2009 Sober Fest program; and

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

NOW THEREFORE BE IT RESOLVED, that the Dodge County Board of Commissioners hereby accept the following donations to be used for the 2009 Sober Fest program:

1. Daube's Bakery – \$20.00 gift card.
2. Fashion Beauty Lounge – Gift card for 30 minutes of tanning.
3. 4 Corner Convenience, Inc - \$20.00 gift certificate.
4. Prime Time Bar & Grille - \$20.00 gift certificate.
5. Napa (Hayfield) – Three (3) hats.
6. Dairy Queen (Dodge Center) – Free Dairy Queen Cake.
7. Country Pizza – Two (2) Lunch Buffet gift certificates.
8. Kwik Trip (Kasson) – Two (2) Cheese Mountain Pizza coupons.
9. Kasson Dollar & Video – Two (2) video rental gift cards.
10. Claremont Service & Sports Center – Free oil change gift certificate.
11. Expressions – Two (2) \$20.00 gift certificates.
12. Deanna Kay's Hairstyling – \$25.00 gift certificate.
13. Finne's Restaurant – Two (2) \$10.00 gift certificates.
14. Napa (Kasson) - Collectable Car Replica.
15. Wells Fargo (Dodge Center) – Two (2) frisbees, two (2) banks, two (2) seat cushions.
16. Carin Minelli (American Family Ins.) – Five (5) mugs, four (4) coolies.
17. Spare Time Lanes – Three (3) Family Bowling Packages.
18. Alli Rolloff - \$75.00 check donation.
19. Buffet King – \$10.00 gift certificate.
20. Copy Cat – Sponsor banner.
21. Zumbro Valley Recreation Club – Ten time golf pass (9 holes).
22. Culligan- Eight (8) cases of water.
23. Hardware Hank (Kasson) – Citronella candle set.
24. Subway (Kasson) – Three (3) 6" subs, one (1) breakfast sandwich.
25. Daniel's – Two (2) \$10.00 gift cards.
26. Kasson State Bank – Two (2) \$50 savings bonds.
27. Burger King (Kasson) – \$5.00 gift card.
28. McNeilus Steel (Dan Blaisdell) – Four (4) Minnesota Twins tickets.
29. Hardware Hank (Dodge Center) – Two puzzles.
30. Dodge Country Club – Gift certificate for two rounds of golf (18 holes).
31. Domino's (Kasson) – Gift certificate for two large pizzas and a 2 liter bottle of pop.
32. Hubbell House – Ten (10) \$15.00 gift cards.
33. Freerksen Enterprises, Inc. – Free oil change gift certificate, car wash gift certificate.
34. Bear's Den – Two (2) \$10.00 gift cards.
35. Universal Marine & RV – Nine (9) hats.
36. Subway (Byron) – Five (5) 6" subs.
37. Dodge Board & Lodge - \$100.00 check donation.
38. State Theatre- \$80.00 worth of \$1.00 off movie tickets.
39. Courtyard Marriott – One (1) night stay (Spa Suite) gift certificate and \$40.00 gift certificate.
40. New Release Movies – Five (5) free movie rentals.
41. McNeilus Trucking – Two (2) hats, three (3) mini mag-lites, two (2) organizers, twenty-four (24) golf balls, two (2) sweat shirts, one (1) briefcase, one (1) duffel bag, one (1) cooler.
42. Creative Change Hair Studio – \$20.00 gift certificate, two (2) bottles of hair care products.
43. Hayfield T-Shirts Etc. – \$50.00 discount on softball t-shirts.

2009 Sober Fest
Program Donations
Approved by
Resolution
#2009-35 -
Continued

- 44. Thiemann Construction, Inc. – \$40.00 cash donation.
- 45. Kay Hanson – \$20.00 cash donation.
- 46. Rochester Behavioral Health – Five (5) hats, six (6) t-shirts, one (1) custom fishing rod.
- 47. GPI Disposal, Inc. – Four (4) gift certificates for 3 months of trash pickup.
- 48. Mark Losure Construction – \$100.00 check donation.
- 49. St. John’s Catholic Parish – \$25.00 check donation.
- 50. Ticket Sales - \$1,047.00

2009 Sober Fest
Program Donations
Approved by
Resolution
#2009-35 -
Continued

BE IT FUTHER RESOLVED, that county staff will express our appreciation for this generous donation on behalf of the Dodge County Board.
Resolution adopted unanimously.

Building Operations Supervisor Roger Friedt met with the Board to review a request to approve courthouse re-roof construction change directive #10. This directive resolves the issue of recreating the five ball finial on top of the cupola instead of the single ball that was shown on the construction plans. Recreating the new finial was done to keep the cupola as close as possible to the original look of the courthouse including the use of copper materials to match the new copper shingles of the cupola. The charge for this change is \$2,386.00.

Courthouse Re-Roof
Construction Change
Directive #10
Approved

Mr. Friedt noted that the crane charges were eliminated from the original construction change directive #10 as the construction contractor agreed that crane charges (\$3,600.00) were included in their portion of the cupola reconstruction for removing and replacing a finial and part of the re-roof construction project.

Discussion took place on the construction plan error that was overlooked. Kane & Johnson may be asked to contribute towards paying the \$2,386.00 since they were also responsible for the missing the finial error on the construction plan.

Motion by Gray seconded by Alberts to approve and authorize courthouse re-roof construction change directive #10 in the amount of \$2,386.00 as discussed.
Motion adopted unanimously.

The County Administrator and Building Operations Supervisor were asked to follow-up with Kane & Johnson on this issue.

County Administrator David McKnight presented for the Board’s consideration a Highway Access Agreement and Encroachment Agreement.

Highway Access
Agreement and
Encroachment
Agreement Approved

Mr. McKnight reviewed information relating to the property located at the intersection of County Roads 34 and 7 in Dodge Center. The County Administrator reminded the Board that they instructed staff to work this issue out with the City of Dodge Center and the owner, McNeilus Properties.

The Board discussed a letter from Spack Consulting which provided their review of the access on this property, the access agreements completed by the property owner and a draft encroachment agreement developed by County Attorney Paul Kiltinen in regards to the county right of way on this property.

County Engineer Guy Kohlhofer was available to comment on the request. Mr. Kohlhofer suggested that some type of seal or certification receipt be requested from Spack Consulting.

Highway Access Agreement and Encroachment Agreement Approved
- Continued

Motion by Gray seconded by Alberts to approve and authorize the Chairman of the Board and County Administrator to sign a Highway Access Agreement and Encroachment Agreement with McNeilus Properties as presented. *Motion adopted unanimously.*

Environmental Quality Director Mark Gamm and Waste Management Specialist Rita Cole provided the Board with a credit card status report. Since January 1, 2009 customers of the Transfer Station have had the option to pay with credit cards. A six-month status report to the County Board was requested at the time the credit card payment option was approved.

Transfer Station Credit Card Payment Option Update

Solid Waste Facility Manager Terry Selthun reported that the customers really like having the option of paying with a credit card. Mr. Selthun noted that it has been an adjustment for the Transfer Station employees to use the new system but they are getting better at processing these transactions.

The Board thanked the Environmental Quality staff for the update.

The County Engineer requested authorization to award flood mitigation projects S.A.P. 20-996-02 (Ellington Township 540th Street) and S.A.P. 20-996-03 (CSAH 24).

Flood Mitigation Projects
SAP 20-996-02 & SAP 20-996-03
Approved

Bids were opened Wednesday, June 10, 2009 for a contract covering two projects. They are the Ellington Township project two miles northwest of West Concord and the CSAH 24 project 1 ½ miles east of Berne. The bids received are as follows:

Plan Holder	Amount
Schumacher Excavating, Inc.	\$54,305.00
Swenke Company, Inc.	\$58,308.25
Elcor Construction, Inc.	\$64,347.25
S.L. Contracting, Inc.	\$64,904.20
Ellingson Drainage Companies	\$72,267.75
Blitz Construction	\$74,936.00
Road Constructors	\$75,793.75
Hutton Drainage	\$77,928.60

In Ellington the Highway Department will be armoring the north slope of the road with rip-rap to prevent future erosion due to overtopping. When heavy rains cause the stream to overtop the road, the road bank is often washed away. Rip-rap will reduce the erosion and minimize the amount of material needing replacement.

Along CSAH 24 there is a section that frequently overtops during floods with such force that efforts to maintain rip-rap have not worked so well. In this area the Highway Department will be installing an additional culvert to reduce the overtopping as well as installing cable tied concrete blocks to better handle the water flow. This will armor the road bank much like what they did along County Road H near the railroad crossing. Aerial photos were provided for the Board's review.

Flood Mitigation
Projects
SAP 20-996-02 &
SAP 20-996-03
Approved -
Continued

The low bidder for this contract was Schumacher Excavating, Inc. with a bid of \$54,305. The Highway Department has worked with Schumacher recently on the project to improve the intersection on curves. They worked fine and it is expected they will work adequately on this contract.

Funds for these projects were secured with a grant application for the emergency flood bonds made available in fall of 2007. The grant funds are expected to cover all construction costs.

Motion by Gray seconded by Alberts to award the contract for projects S.A.P. 20-996-02 and 20-996-03 to Schumacher Excavating, Inc. in the amount of \$54,305. Also included in the motion was authorization for the County Engineer to approve contract changes up to 15% of contract amount. *Motion adopted unanimously.*

Mr. Kohlhofer provided the Board with a 2008 annual report.

Highway Department
2008 Annual Report
Approved

The Highway Department annually prepares a report detailing the revenues and expenditures of the Road and Bridge Fund. Included in the report are the projects and items in which monies were expensed and the various sources of revenue for 2008. Also included in the report are the forecasted expenditures of 2009.

Motion by Alberts seconded by Gray to accept the 2008 Highway Department annual report as presented. *Motion adopted unanimously.*

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. Environmental Quality

A.1 David Fitzgerald – Solid Waste Facility Operator
Annual review.
Effective Date: 6/12/09

B. Administration

B.1 Sara Marquardt – Accounting Services Director
Step increase from C41 step 8 \$21.24 to C41 step 7 \$21.90.
Effective Date: 6/4/09

B.2 Rose Culbertson – Taxpayer Services Director
Step increase from C41 step 7 \$21.90 to C41 step 6 \$22.55.
Effective Date: 6/26/09

Personnel Actions

Approved -
Continued

C. Public Health

- C.1 Christine Agerter – Public Health Nurse II
Regular status and step increase from C41 step 7 \$18.94 to C41 step 6 \$19.64 (+\$3 R/R).
Effective Date: 7/1/09
- C.2 Patricia Busse - Public Health Nurse II - .60 FTE
Regular status and step increase from C41 step 6 \$19.64 to C41 step 5 \$20.38 (+\$3 R/R).
Effective Date: 7/1/09

D. Human Services

- D.1 Michele Buechler – Financial Worker – On-Call
Authorization to employ at B22 step 1 \$17.33 to fill temporary vacancy.
Effective Date: 6/19/09
- D.2 Amanda Smith – Social Worker
Regular status and step increase from C42 step 8 \$19.14 to C42 step 7 \$19.87.
Effective Date: 6/23/09
- D.3 Shelley Koen – Fiscal Officer
Remove from union status and place on non-union scale at C41 step 9 \$20.59 (non-union scale).
Effective Date: 6/15/09

E. Highway Department

- E.1 Jessica Brennan – Administrative Assistant
Step increase from B23 step 4 \$16.74 to B23 step 3 \$17.26.
Effective Date: 6/23/09

F. Sheriff's Office

- F.1 Michael Leonhardt – Operations Captain
Status change from Operations Captain C52 step 3 \$31.92 to Chief Deputy D61 step 6 \$33.42.
Effective Date: 7/1/09
- F.2 Operations Captain –
Authorization to post and fill vacancy created by status change.
Effective Date: 6/23/09

Motion adopted unanimously.

Ms. Hager discussed the PERA Phased Retirement Option with the Board.

Phased Retirement
Option Approved

The Phased Retirement Option (PRO) currently being offered by PERA (set to end 6/30/2011) allows certain eligible employees to ease into retirement and be able to receive their pension while still working part-time.

The requirements for participation are:

1. You must be a vested PERA member over the age of 62 but under Social Security full retirement age and employed at least half time for the five years immediately preceding the offer of the PRO.
2. You must reduce your work schedule by at least 25% and not exceed 1,044 hours per year.
3. Initial PRO agreement cannot exceed one year. The PRO agreement may be renewed annually for up to five years.
4. You must have agreement from the County Board.

As an employer, the county benefits by no longer paying into PERA for employees under these agreements.

Phased Retirement
Option Approved -
Continued

Motion by Erickson seconded by Alberts to approve participation in the PERA Phased Retirement Option for the period of June 23, 2009 to June 30, 2011 and consider PRO requests on a case-by-case basis. The Board indicated there must be a benefit to both the employee and the county for this to be approved. *Motion adopted unanimously.*

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

Bills Approved

01	Revenue Fund	\$ 49,118.75
11	Human Services Fund	\$ 192.47
13	Road and Bridge Fund	\$ 20,807.85
16	Environmental Quality Fund	\$ 71,287.16
32	County Capital Projects	\$ <u>43,998.22</u>
	Total	\$185,404.45

Motion adopted unanimously.

Accounting Services Director Sara Marquardt provided for the Board's consideration a fireworks permit request.

McNeilus Fireworks
Permit Approved

Leland (Pat) McNeilus is requesting a fireworks permit for Sunday, July 5, 2009. The fireworks display will be at 20731 625th Street, Dodge Center, MN.

The \$20.00 application fee has been paid and all required insurance documentation has been presented.

Motion by Alberts seconded by Erickson to approve and authorize the Sheriff and Accounting Services Director to sign a fireworks permit for Sunday, July 5, 2009 as requested by Leland McNeilus pending the approval of the County Sheriff. *Motion adopted unanimously.*

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

Legal Update

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

Public Health
Committee Report

The Board reviewed Fairview Care Center Administrator's request to approve a Memoranda of Agreement between Fairview Care Center and Dodge County Highway Department.

Memoranda of
Agreement Between
Fairview Care Center
and Dodge County
Highway Department
Approved

Motion by Alberts seconded by Gray to approve and authorize the Fairview Care Center Administrator and County Engineer to sign a Memoranda of Agreement between Fairview Care Center and Dodge County Highway Department for the purpose of providing the facility with fuel oil in case of an extended electrical outage. *Resolution adopted unanimously.*

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 June 2, 2009 work shop meeting minutes as presented. *Motion adopted unanimously.*

06/02/09 Work Shop
Meeting Minutes
Approved

Motion by Gray seconded by Erickson to go into closed session at 11:03 a.m. CDT to consider purchasing the property located at 721 Main Street, Mantorville, MN (Intermediate School). Present in the closed session were the four County Commissioners, County Attorney and County Administrator. *Motion adopted unanimously.*

Closed Session

The Chair reopened the meeting to the public at 11:27 a.m. CDT.

Meeting Reopened to
the Public

Commissioner Tjosaas continued the Administration Committee report and action items.

Administration
Committee Report
Continued

Motion by Gray seconded by Alberts to approve and authorize the June 9, 2009 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

06/09/09 Committee
of the Whole Meeting
Minutes Approved

Motion by Alberts seconded by Gray to approve and authorize the June 9, 2009 meeting minutes as presented. *Motion adopted unanimously.*

06/09/09 Meeting
Minutes Approved

Motion by Erickson seconded by Gray to approve and authorize the June 16, 2009 work shop meeting minutes as presented. *Motion adopted unanimously.*

06/16/09 Work Shop
Meeting Minutes
Approved

Commissioners provided their agency reports. Commissioner Hanson was not available to report his meeting attendance. Commissioner Alberts attended a Fairview Care Center meeting, a budget session meeting and a Board of Equalization meeting. Commissioner Gray attended a Care Center meeting, a work session, an Equalization meeting and a Township banquet. Commissioner Erickson attended an Olmsted/Dodge Waste Energy Joint Powers Board meeting, a railroad issues meeting, an AMC District IX meeting, a budget work session, a Law Library Board meeting, a Fairview Care Center meeting, budget work session, a Board of Equalization and Adjustment meeting, a DFO Advisory Board meeting, a Dodge County Township Officers Annual banquet and a SCHA Executive Committee meeting. Commissioner Tjosaas attended a Four Seasons meeting, a meeting at the old school in Kasson, a Care Center meeting, a Board of Equalization meeting and a Township Officers banquet.

Agency Reports

Motion by Gray seconded by Alberts to adjourn the meeting at 11:52 a.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on July 14, 2009 at 9:30 a.m. CDT.

Next Regular Meeting

ATTEST:

LYLE TJOSAAS
VICE CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: