

**TUESDAY, JULY 28, 2009**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2009-14**

The Dodge County Board of Commissioners met in regular session July 28, 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 9:30 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:	Klaus Alberts	District #1
	David Erickson	District #3
	Don Gray	District #4
	David Hanson	District #5
Members absent:	Lyle Tjosaas	District #2
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 presented. It was noted that the County Administrator will present the parking lot project agenda item at 9:35 p.m. CDT. *Motion adopted unanimously.*

Agenda Approved

County Administrator David McKnight met with the Board to discuss the proposed parking lot project that he and Wold Architects are working on with the City of Mantorville at the corner of Seventh and Blanche streets.

House Demolition  
Approved

The Mantorville Planning Commission denied the county's request for a conditional use permit at their meeting on July 20, 2009. It was determined that for legal reasons the Mantorville City Council must give specific reasons for the denial or approve the request as presented. On Monday, July 27, 2009 the Mantorville City Council discussed the Planning Commission's recommendation and decided to send the request back to the Mantorville Planning Commission to request clarification on why the request was denied.

The Board discussed with the County Administrator the possibility of demolishing the home, removing some of the trees on the property that are in bad shape and the possibility of selling the garage which they felt was still in fair shape. The Board indicated that their first preference would be to try and sell the garage and have it removed from the property before agreeing to demolish the garage along with the house.

Motion by Alberts seconded by Gray to approve and authorize the County Administrator and Wold Architects to move forward with going out for demolition bids on the house located at 20 7<sup>th</sup> Street East, Mantorville, MN. Also included in the motion was authorization to take bids on the garage in hopes that someone would be interested in moving the building off the current site. *Motion adopted unanimously.*

House Demolition  
Approved -  
Continued

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

Human Services  
Committee Report

Environmental Quality Director Mark Gamm met with the Board to discuss his request to rename the Environmental Quality Department the Environmental Services Department.

Name Change  
Approved for  
Environmental  
Quality/Planning  
Department

Mr. Gamm informed the Board that five years ago the Board made a decision to combine the Environmental Quality Department with the Planning Department. Since that time they have informally been calling themselves the EQ/Planning Department. There has been no formal action to create a department name.

The Environmental Quality Director proposes formally changing their department name to Environmental Services. Mr. Gamm reported that they have found that the majority of counties with similar combined services call their department Environmental Services. These counties include Blue Earth, Freeborn, Houston, and Mower. Environmental Quality staff agrees that most citizens will recognize Environmental Services as the likely place to look for the services they provide. Other less popular names used by counties include: Land Use Management and Land and Resource Management.

Motion by Erickson seconded by Alberts to approve and authorize the renaming of the Environmental Quality/Planning Department as the Environmental Services Department. *Motion adopted unanimously.*

Mr. Gamm discussed with the Board setting dates for public informational meetings and a public hearing on Waste to Energy Service Charge.

Waste to Energy  
Service Charge  
Public Informational  
Meeting Date and  
Public Hearing Date  
Set

The Environmental Quality Director recommended dates for a public informational meeting and a public hearing on the subject of Waste to Energy Service Charge.

Motion by Gray seconded by Alberts to set the following public informational meeting and public hearing dates on Waste to Energy Service Charge:

1. Public Information Meeting: Monday, August 31, 2009, 7:00 PM, Courthouse, Mantorville, MN.
2. Public Hearing: Tuesday, September 15, 2009, 7:00 PM, Courthouse, Mantorville, MN.

*Motion adopted unanimously.*

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

Bills Approved

01	Revenue Fund	\$115,143.78
11	Human Services Fund	\$ 216.48
13	Road and Bridge Fund	\$ 35,561.17
16	Environmental Quality Fund	\$ 16,439.39
32	County Capital Projects	\$ 540.31
80	Agency Fund	\$ 206.50
	Total	\$168,107.63

*Motion adopted unanimously.*

Mr. McKnight discussed with the Board the Dodge County Regional Railroad Authority appointments.

Regional Rail  
Authority  
Appointments

The County Administrator informed the Board that he and the County Attorney have discovered that Dodge County did create the Dodge County Regional Railroad Authority on May 4, 1982. Earlier they believed that the county failed to file the appropriate paperwork with the Minnesota Secretary of State's Office but their research produced the actual certificate from the Secretary of State's Office dated November 22, 1982 and signed by Joan Anderson Growe acknowledging the formation of the Dodge County Regional Railroad Authority. A copy of the certificate was provided for the Board's review.

Approved by  
Resolution #2009-37

Mr. McKnight reported that since the Dodge County Regional Railroad Authority is already established there is no need to hold the public hearing that was set to consider establishing this governmental entity. In discussing this matter with Goodhue County officials the County Administrator was informed that they had a similar situation where they established a rail authority in 1982 that has not been active for many years. At the advice of their attorney and since none of the original members of their authority no longer serve in relevant positions, their County Board reappointed members to the rail authority. Mr. McKnight recommended that Dodge County do the same.

The Dodge County Regional Railroad Authority members who were appointed in 1982 included County Commissioners Robert Senjem, Harlan Buck, Warren Buss, Alan Knobel and Robert Burdick. The resolution establishing an authority and appointing the original members set the number of rail authority commissioners at five and states that the five members shall be the same persons as the Dodge County Commissioners.

Commissioner Erickson clarified that having a Regional Rail Authority gives them the authority to levy taxes and deal with property rights as needed. It was noted that the Regional Rail Authority Board is responsible to the voters. Mr. Erickson stated that if the County Board chooses to appoint others to this board that those individuals would answer to the County Board not the voters.

Commissioner Erickson discussed the similarities of this appointment to the Watershed District Board appointments, the reason commissioners are appointed and their power to tax. Mr. Erickson pointed out that the appointment to the Regional Rail Authority would only be good for one year.

Regional Rail  
Authority  
Appointments  
Approved by  
Resolution #2009-37  
- Continued

Commissioner Gray asked for a consensus of the county commissioners present to see who was in favor of the Dodge County Board of Commissioners being appointed to the Regional Rail Authority Board. It was the consensus of the four commissioners present that all five commissioners should be reappointed to serve on the Regional Rail Authority Board each year.

Commissioner Hanson briefly discussed the railroad public hearing that took place last week, upgrades, updates and setting a date to hold the first meeting of the Rail Road Authority.

County Attorney Paul Kiltinen informed those present that they had difficulty in finding the actual certificate from the Secretary of State's Office due to the fact that the state does not keep this document as a record of a separate corporation, it was developed as a part of the local unit of government.

Scott Bjornson, a member of the audience, stated that the resolution to appoint commissioners to the Regional Rail Authority sounds good, but he wanted to know what the other alternatives were.

Commissioner Alberts reported that the Board could appointment citizen members to the Regional Rail Authority but it was originally set up to have the commissioners represent the group.

Commissioner Erickson questioned if members of the County Board were not appointed to the Regional Rail Authority, if others could be elected? Mr. Erickson stated that they would have to do some research in order to find the answer to this question. Commissioner Erickson reported that a number of Regional Rail Authorities throughout the state have County Board members appointed as representatives of their Regional Rail Authority.

John Meyer who is an Olmsted County resident and lives by Rock Dell suggested that the Board appoint township board members from each township to serve on the Regional Rail Authority Board. This way members are still elected by the township and there would be more board members on the Regional Rail Authority Board. Mr. Meyer informed the Board that Olmsted County appoints members to boards according to population. Because of this practice Mr. Meyer's feels the townships are not properly represented. Mr. Meyer was in favor of having more people on the board to ensure that townships are represented. Mr. Meyer noted that these individuals would still answer to the voters and could provide more input from the townships.

Commissioner Erickson stated that the five county commissioners and township officials could be appointed to the Regional Rail Authority and answer to the voters, however, the township representatives are not able to tax at the county level. Mr. Erickson stated that he had concerns regarding appointing this many people to the Regional Rail Authority and believes that the five county commissioners should be designated to serve on this board.

Regional Rail  
Authority  
Appointments  
Approved by  
Resolution #2009-37  
- Continued

The County Attorney commented that the Regional Rail Authority has the authority to appoint committee members. A minimum of five members must be appointed; however, the board can have more members.

Lisa Heggedahl of Vernon township suggested appointing the five county commissioners at this time and look at appointing others later, possibly as of January 1, 2010.

Commissioner Hanson referred to item number six of the Regional Rail Authority resolution which was passed May 4, 1982 and stressed its importance. Item six reads as follows:

6. That the purpose of the Authority is for the preservation and improvement of local rail service for agriculture and industry when determined to be practicable and necessary for the public welfare.

Robert Beaver of Vernon township informed the Board that he was a part of this process in the 1980's. The purpose of the board at that time was to maintain the rail system they had at that time. Mr. Beaver believes the board should be appointed annually and agreed with Ms. Heggedahl that additional members should be appointed later.

Mr. Kiltinen reported that each year the Board will need to decide which five people will be appointed to serve on the Regional Rail Authority Board.

Commissioner Gray informed those present that the appointment to this board will be addressed along with the other appointments at the beginning of the year, in the future. Mr. Gray questioned whether or not they needed to update the proposed resolution since they already have the one that was approved in 1982.

The County Administrator stated that because the members that were appointed in 1982 were no longer serving that the current Board of Commissioners needed to be appointed to serve on the Regional Rail Authority Board.

Motion by Erickson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-37 appointing members to the Dodge County Regional Railroad Authority:

**WHEREAS**, the Dodge County Regional Railroad Authority was established by the Dodge County Board of Commissioners on May 4, 1982; and

**WHEREAS**, the Rail Authority has not been active for some time and the members originally appointed to the authority are no longer serving in their county positions.

Regional Rail Authority Appointments Approved by Resolution #2009-37 - Continued

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the enabling resolution of the Dodge County Board of Commissioners adopted on May 4, 1982, which created the Dodge County Regional Railroad Authority pursuant to M.S. 398A.03, the Dodge County Board hereby appoints:

- David Hanson
- Lyle Tjosaas
- David Erickson
- Don Gray
- Klaus Alberts, Jr.

The five current members of said board as members of the Dodge County Regional Railroad Authority to serve with the assistance of such Dodge County staff as they deem appropriate.

**BE IT FURTHER RESOLVED**, that normal appointments to this board are for one year with the current appointments ending on December 31, 2009 and annual appointments made to this board at the statutory County Board meeting held in January of each year.

*Resolution adopted unanimously.*

The County Administrator suggested that the County Board select a date to hold a Dodge County Regional Rail Authority meeting to approve by-laws for this organization, elect officers and discuss the rail issues that are currently impacting Dodge County. The Dodge County Regional Railroad Authority must follow the Open Meeting Law rules that apply to the County Board.

Dodge County Regional Rail Authority Meeting Date Set

The meeting location was discussed. It was determined that the large conference room in the lower level annex of the courthouse would be used to hold this meeting. Concerns were voiced about the meeting room not being big enough to hold the meeting. The County Administrator reported that the tables could be removed and additional chairs added in order to provide adequate seating for the meeting.

Motion by Erickson seconded by Gray to hold a Dodge County Regional Rail Authority meeting on Thursday, August 13, 2009 at 7:00 p.m. to at the Dodge County Courthouse, Mantorville, MN. *Motion adopted unanimously.*

It was suggested that each of the organizations with issues that they would like to discuss at the Regional Rail Authority meeting have one spokesperson that will speak on their behalf rather than having numerous individuals who repeat each other.

The Board thanked those present for attending the meeting.

Mr. McKnight reviewed with the Board a request to place a monument on the Seminary property.

Placement of  
Monument on  
Seminary Property in  
Wasioja Approved

Commissioner Hanson asked that this item be placed on the board agenda for discussion and/or action. The Friends of Wasioja group would like to place a monument on the Seminary property dedicated to Dodge County's participation in the Civil War.

This group is still working on the actual monument and the location on the Seminary site but wanted to get permission from the County Board to place this monument on this site since the county owns the property. The County Administrator provided the Board with two pictures and two hand drawings of similar type monuments that Commissioner Hanson provided. This group is also looking to plant some trees on the property along with placing the monument. As the Board may recall a number of dying trees were removed from the site this past spring. Mr. McKnight provided pictures of the Seminary property taken last week to show the Board how the site is now more open and visible from the road.

It was noted that the Friends of Wasioja group will be coming to the County Board in the future to request a donation to support the monument that is being proposed. No action is needed at this time but the group wanted the Board to be aware of this issue.

Commissioner Alberts suggested having the banks set up an account where individuals can donate money towards the purchase of a monument for the Wasioja seminary property. Mr. Alberts stated that he believes there are individuals that would be interested in donating money towards the monument.

Commissioner Gray commented that he was in favor of a monument but did not feel that it should be specifically dedicated to the 2<sup>nd</sup> Minnesota regiment but to all Dodge County veterans since there were more than just the Wasioja men that died in the civil war.

Commissioner Alberts clarified that the intent of the Wasioja monument is for the Civil War veterans only.

Motion by Erickson seconded by Gray to approve and authorize the Friends of Wasioja group to place a monument on the Seminary property as long as more detailed information on the monument is brought back to the county for review once it is available and cost estimates are brought to the Board if the county is going to be asked to contribute to this project. *Motion adopted unanimously.*

Mr. McKnight presented for the Board's consideration the proposed memorandum of agreements between Dodge County and the Triton and Hayfield school districts for the School Resource Officer (SRO) program for the 2009/2010 school year.

SRO Program  
Approved for 2009/  
2010 School Year

The agreements are identical to last year with a minor adjustment to the cost of the program. The actual cost to the program will not be known until a contract is worked out with the deputies union. The County Administrator has informed the two schools of that issue and they are aware that costs may adjust up or down. Mr. McKnight did not believe any adjustment would be major.

[SRO Program  
Approved for 2009/  
2010 School Year -  
Continued](#)

The County Administrator reported that with the success of this program in the Triton and Hayfield school districts during the 2008/2009 school year it was his recommendation that the Board approve the agreements.

Motion by Gray seconded by Erickson to approve and authorize the signature of the County Board Chair on the memorandum of agreement between Dodge County and the Triton and Hayfield school districts for the SRO program for the 2009/2010 school year. *Motion adopted unanimously.*

Emergency Management Director Matthew Maas reviewed with the Board his request to approve an ARMER Subscriber Agreement.

[ARMER Subscriber  
Agreement Approved](#)

Mr. Maas reported that the ARMER Subscriber Agreement between Dodge County, the Southeast Regional Radio Board, and the State of Minnesota requires the signature of the Chairman of the Board, County Administrator and County Attorney as the State of Minnesota holds the FCC licenses for this communications equipment.

The Emergency Management Director informed the Board that Dodge County currently has twelve radios operating on this system for interoperability purposes.

Motion by Alberts seconded by Erickson to approve and authorize the Chairman of the Board, County Administrator and County Attorney's signatures to the ARMER Subscriber Agreement between Dodge County, the Southeast Regional Radio Board, and the State of Minnesota as presented. *Motion adopted unanimously.*

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

[Legal Update](#)

The County Attorney left at 11:05 a.m. CDT.

[County Attorney Left  
Meeting](#)

State Representative Randy Demmer was seated in the audience and asked if he would like to comment on the railroad by-pass issue. Mr. Demmer stated that the railroad by-pass issue is a very important issue. Mr. Demmer felt that it was important to have an open dialog regarding the railroad by-pass issue and that they should work on issues for the good of everybody and address all concerns. Mr. Demmer informed the Board that he was willing to work with them on the railroad issue and be available as a resource for them.

[Railroad By-Pass  
Comments from  
State Representative  
Demmer](#)

Commissioner Erickson requested that the commissioners receive information on the high speed rail system and MnDOT statewide rail study as Mr. Demmer receives it from the state.

Mr. Demmer reported that he will follow up with the Board to ensure that they are informed of Regional Rail Authority happenings and statewide rail plans.

Railroad By-Pass  
Comments from  
State Representative  
Demmer - Continued

Mr. Demmer thanked the Board for allowing him to provide input on the railroad by-pass issue.

Employee Relations Director Lisa Hager presented the personnel agenda for the Boards consideration. Sheriff Jim Trihey was available to answer questions regarding the Sheriff's Office Personnel requests. Motion by Gray seconded by Erickson to approve the following personnel actions:

Personnel Actions  
Approved

**A. Sheriff's Office**

A.1 Loring Guenther – Captain  
Status change from Sergeant C43 48 month step \$28.74 to Captain C52 step 3 \$31.92.  
Effective Date: 7/29/08

A.2 Deputy Sheriff – Temporary 1.0 FTE through September  
Authorization to post and fill vacancy created by retirement and subsequent status changes.  
Effective Date: 7/28/09

**B. Human Services**

B.1 Jessica Bradford – Account Technician  
Step increase from B23 step 9 \$14.26 to B23 step 8 \$14.71.  
Effective Date: 7/14/09

**C. Administration**

C.1 Becky Lubahn – Executive Assistant  
Step increase from B31 step 2 \$19.28 to B31 step 1 \$19.67.  
Effective Date: 7/10/09

**D. Environmental Quality**

D.1 Rita Cole – Waste Management Specialist – Sec/Clerk  
Authorization to change status from .65 FTE to 1.0 FTE to partially fill vacancy created by retirement and subsequent status changes and request approval of revised job description.  
Effective Date: 8/1/09

**E. Public Health**

E.1 Kelly Corbin – Health Educator  
Step increase from C41 step 9 \$17.58 to C41 step 8 \$18.26.  
Effective Date: 7/26/09

*Motion adopted unanimously.*

Human Services Director Jane Hardwick discussed with the Board a proposed PERA Phased Retirement Option Agreement.

PERA Phased  
Retirement Option  
Agreement Approved  
for Human Services  
Employee

Human Services employee, Sandy Gilbertson, would like to participate in the PERA Phased Retirement Option offered effective August 1, 2009.

Ms. Hardwick has reviewed the requirements for employee participation, and Ms. Gilbertson meets all the requirements and the Human Services Department is able to accommodate her change in status.

Motion by Erickson seconded by Alberts to approve and authorize Human Services employee, Sandy Gilbertson, to participate in the PERA Phased Retirement Option Agreement effective August 1, 2009 as requested. *Motion adopted unanimously.*

*PERA Phased Retirement Option Agreement Approved for Human Services Employee - Continued*

Veteran Services Officer Todd Nelson provided the Board with a Veteran's Services update. Items discussed included federal benefits, state benefits and current issues. The Board thanked Mr. Nelson for the update.

*Veteran Services Update*

Commissioner Erickson commended the Veteran Services Officer for the time and effort he puts into his work. Mr. Erickson commented that he has heard nothing but accolades regarding the work that Mr. Nelson has done for Dodge County veterans.

Senator Dave Senjem was present in the audience and asked if he had any comments on the rail road by-pass issue. Mr. Senjem stated that we will all be going through a long journey in the next several months. Senator Senjem informed the Board that he will make himself available to communicate with them and offer any resources that he has available to him to address rail road issues and concerns. Mr. Senjem reported that he and Randy Demmer are willing to help Dodge County address any rail road by-pass issues.

*Railroad By-Pass Comments from Senator Senjem*

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

*Public Health Committee Report*

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

*Administration Committee Report*

Motion by Gray seconded by Alberts to approve and authorize the July 14, 2009 Committee of the Whole meeting minutes as corrected on page two. *Motion adopted unanimously.*

*07/14/09 Committee of the Whole Meeting Minutes Approved*

Motion by Alberts seconded by Gray to approve and authorize the July 14, 2009 meeting minutes as presented. *Motion adopted unanimously.*

*07/14/09 Meeting Minutes Approved*

Motion by Erickson seconded by Gray to approve and authorize the July 21, 2009 work session meeting minutes as presented. *Motion adopted unanimously.*

*07/21/09 Work Session Meeting Minutes Approved*

The County Administrator discussed with the Board the Building Operations Supervisor's request to purchase two new vehicles for the central services motor pool.

*Central Services Motor Pool Vehicle Purchase Approved*

The central services motor pool budget has \$40,000 set aside for two new vehicles in 2009. If approved, one vehicle will replace the 2002 Grand Caravan that was removed from the motor pool in January 2009 due to an engine failure. The van has not been replaced and was sold for \$1,500.

The second vehicle will be an addition to the central services motor pool to provide adequate vehicle availability due to the increasing needs of the Public Health Department over the past two years. The total budget for the two purchases is \$41,500.

Central Services  
Motor Pool Vehicle  
Purchase Approved -  
Continued

The Building Operations Supervisor recommends purchasing the following two vehicles through the Minnesota Materials Management Division (state contract):

<b>2010 Dodge Grand Caravan</b>	\$22,313.92
- Sale of 2002 Grand Caravan	(1,500.00)
<b>2010 Ford Fusion</b>	<u>\$15,563.09</u>
<b>Total</b>	<b>\$36,377.31</b>

The county is pursuing purchasing extended warranties for both vehicles which is not included in the prices as listed above.

Motion by Erickson seconded by Alberts to approve and authorize the Building Operations Supervisor to move forward with purchasing a 2010 Dodge Grand Caravan and a 2010 Ford Fusion from Nelson Auto Center in Fergus Falls, MN in the amount of \$36,377.31 with the option to purchase extended warranties within the total budgeted amount. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Hanson attended a Bike Trails meeting, a Fairview Care Center meeting, a work session, two Railroad meetings and a Fair Board meeting. Commissioner Alberts attended a Rail Corridor meeting, a Fairview Care Center meeting and a Fair Board meeting. Commissioner Gray attended a Care Center meeting and a work session. Commissioner Erickson attended a retirement reception for Sheriff Thompson, two budget work sessions, a swearing in ceremony for Sheriff Trihey, a Dodge County Planning & Zoning meeting, four Southern Rail Corridor meetings, a Dodge County Fair picnic, a Fairview Care Center Board meeting and a SCHA Joint Powers Board meeting. Commissioner Tjosaas was not available to report his meeting attendance.

Agency Reports

Motion by Gray seconded by Erickson to adjourn the meeting at 12:37 p.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on August 11, 2009 at 9:30 a.m. CDT.

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:**