

**TUESDAY, AUGUST 11, 2009**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2009-15**

The Dodge County Board of Commissioners met in regular session August 11, 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
	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 Erickson to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

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.*

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 Luke Nash – Sergeant  
Step increase from C43 48 month step \$28.74 to C43 60 month step \$29.46.  
Effective Date: 2/11/09

Personnel Actions

Approved –  
Continued

**B. Human Services**

- B.1 Nancy Reuvers – Social Services Supervisor  
Resignation.  
Effective Date: 12/1/09
- B.2 Carrie Groth – Social Worker  
Resignation.  
Effective Date: 8/18/09
- B.3 Social Worker – 1.0 FTE  
Authorization to post and fill vacancy created by resignation.  
Effective Date: 8/11/09
- B.4 Renee Ranvek – Financial Worker  
Annual review.  
Effective Date: 8/23/09
- B.5 Katherine Schrandt – Social Worker  
Step increase from C42 step 2 \$23.88 to C42 step 1 \$24.77.  
Effective Date: 8/27/09

**C. Assessor’s Office**

- C.1 Sharon Narveson – Appraiser  
Annual review.  
Effective Date: 8/1/09

**D. Public Health**

- D.1 Gail Hester – Business Office Manager - .75 FTE  
Step increase from C41 step 3 \$24.52 to C41 step 2 \$25.17.  
Effective Date: 8/14/09
- D.2 Robyn Warner – Case Aide  
Step increase from B22 step 7 \$14.30 to B22 step 6 \$14.76.  
Effective Date: 8/29/09
- D.3 Health Educator - .58 FTE  
Authorization to post and fill new position funded through Statewide  
Health Improvement Project.  
Effective Date: 8/11/09

*Motion adopted unanimously.*

Ms. Hager presented for the Board's consideration an Employee Relations Manual update request.

FMLA Policy Update  
Approved

The Employee Relations Director reported that earlier in the year the Family Medical Leave Act was amended to allow for expanded leave of absence for military caregivers (up to 26 weeks) and for exigency leaves to handle personal business when called to federal service.

Motion by Alberts seconded by Tjosaas to approve the updated Family Medical Leave Act Policy as presented. *Motion adopted unanimously.*

Taxpayer 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	\$110,927.87
13	Road and Bridge Fund	\$ 21,353.23
16	Environmental Quality Fund	\$ 13,054.80
32	County Capital Projects	\$ 777.34
	Total	\$146,113.24

*Motion adopted unanimously.*

Executive Assistant Becky Lubahn discussed with the Board the proposed Dodge County Web Site Use Policy.

Dodge County Web  
Site Use Policy  
Approved

Ms. Lubahn reported that due to the increased use of websites to provide information to the public, MCIT Risk Management staff has recommended that counties develop an Acceptable Website Use Policy that addresses website content and postings.

After reviewing various website use policies Ms. Lubahn created a policy to meet the needs of Dodge County. The proposed policy addresses website content, postings, security, e-mail, privacy violations, threats, harassment, illegal use and consequences of inappropriate use.

Motion by Erickson seconded by Tjosaas to approve the Dodge County Web Site Use Policy as presented. *Motion adopted unanimously.*

Zoning Administrator Melissa DeVetter presented for the Board's consideration the August 5, 2009 Planning Commission recommendations. Motion by Erickson seconded by Tjosaas to approve of the following action of the Planning and Zoning Commission recommendation as reviewed on August 5, 2009 with the reasons, recommendations and conditions as found in the individual permit:

Planning Commission  
Recommendation  
CUP #09-10  
Approved

### **Nature Energies Inc. – CUP #09-10**

The public hearing is to consider an application for a Conditional Use Permit to establish a Meteorological Tower in the Agricultural District. The property is 153 acres located in the SW ¼ of Section 11, Hayfield Township. Nature Energies, Inc. is the applicant and John Kruger 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. Dodge County Zoning Permit shall be obtained before construction.
2. Meteorological Tower shall be decommissioned by, and at the expense of the applicant within 60 days following the discontinuing of use.

*Motion adopted unanimously.*

Ms. DeVetter discussed with the Board a proposed delegation agreement for regulating Large Wind Energy Conversion Systems (LWECS).

LWECS Discussion -  
Continued

The Zoning Administrator reported that she has been trying to get up to speed on the proposed draft wind ordinance and the Wind Turbine Permit Setbacks and Standards for LWECS pursuant to Minnesota Statute 216F.08. WECS that produce 5 mW or more are considered LWECS subject to these standards. Counties are able to assume permitting authority up to 25 mW if they choose to do so. Before Ms. DeVetter continues with the revision of the draft, she needs answers regarding setbacks and clarification on certain items and other issues. There are also discrepancies observed between the state's LWECS permit, the model ordinance and draft versions of Dodge County's proposed ordinance that need to be addressed.

Ms. DeVetter had an opportunity to talk with Ms. Deborah Pile who is in charge of Energy Facility Permitting at the Minnesota Department of Commerce's Office of Energy Security. They discussed setbacks, decommissioning, permitting, commenting, inspections, complaint processes and Dodge County's role should it choose to assume the authority to regulate LWECS up to 25 mW. Based upon the Zoning Administrator's conversation with Ms. Pile, she does not believe that it is in Dodge County's best interest to be delegated with permitting authority.

The Zoning Administrator believes there are benefits to assuming permitting authority, including the following:

1. If the county's setbacks and ordinance performance standards for up to 25 mW are more restrictive than the state's are, consideration will be given to use the more restrictive setbacks for the wind farms that are greater than 25 mW. However, in reviewing Dodge County's proposed setbacks in comparison with the state's minimum standards, Dodge County is only potentially more restrictive on the setback from the road ROW. Most of the draft ordinance's proposed standards were either as restrictive as or less restrictive than state standards, which would not be allowed.
2. Ms. Pile also indicated that when counties become wind delegation authorities the review process is typically shorter and less intensive than the State of Minnesota's review process. Under the 60 day rule, counties are required to issue the permit within 60 days, with an extension of up to 120 days. Ms. Pile indicated that the state's review and permitting process typically takes six months or longer.

It was Ms. DeVetter's opinion that there are far more compelling reasons why the county would not want to assume this responsibility/role:

LWECS Discussion -  
Continued

1. This is not simply a land use/zoning issue. Dodge County's role is not only to issue the CUP and follow up on the county's conditions. Ms. Pile explained to Ms. DeVetter that we are assuming responsibility to enforce the General Wind Turbine Permit Setbacks and Standards for LWECS developed by the PUC. The PUC will not see or review the application. We would essentially become a delegated county to enforce state standards, including noise standards, building codes, etc. Ms. Pile indicated that the program would work like the MPCA's feedlot delegation program, without the funding.
2. If the county assumes authority, we would be responsible for ensuring that that information the applicant has submitted, including noise modeling, wake loss studies, flicker studies, etc. is correct. This is important as the results of the above modeling will be used to determine setbacks which are based upon state standards, such as the setback from dwellings, as in the case of noise. We currently do not have the technical expertise to verify the modeling work, unless we choose to take the word of the applicant's consultant that it is correct, nor the equipment necessary to investigate a complaint where state standards may be violated.
3. We do not currently enforce the building or electrical codes or have anybody qualified to do so, yet will be responsible for ensuring they are met.
4. In the event we were technically qualified to perform the work, we do not have any idea of the potential workload and/or time it takes to review the projects and issue the permit. This is important as we are currently understaffed and due to fiscal issues are not likely to have additional staff for this task in the near future. In addition, this workload issue will directly relate to setting appropriate fees as seen in #5 below.
5. During this draft ordinance process, there was considerable debate about the setting of a decommissioning fees and whether proposed amounts were excessive. Dodge County has contacted other counties that have assumed permitting authority and have gotten varied responses. The Zoning Administrator asked Ms. Pile how much they charge to review an average permit. She indicated that there is no standard application fee. They charge on a fee for service type basis which means that they provide an estimate for the cost of processing the application based upon the anticipated workload. They make the applicant pay 50% up front and invoice periodically. No permit is issued until all fees are paid. When asked what is the range of a typical application fee is, Ms. Pile indicated that it costs between \$10,000 - \$20,000 to review the application for completeness, ensure the accuracy of the submitted information/models, revise the project as appropriate, and permit the project. As the State is assessing fees on a workload basis, this would seem to indicate that the workload is huge. Please see item #4 above regarding workload, staffing and current fiscal issues.

Ms. DeVetter posed the following question which she felt needed to be answered before the county chooses to go any further in assuming responsibilities for regulating LWECS up to 25 mW.

LWECS Discussion -  
Continued

If Dodge County is not more restrictive than the minimum state standards, and does not intend to be, what benefit are we gaining from becoming delegated?

The Zoning Administrator commented that if she honestly felt her office could do a better or even as good as a job as the State could do, if they do it right, and if the county had the resources to do it, she would think it would be in the best interest of the county to assume the responsibility. As the situation currently is, Ms. DeVetter does not believe they could do a better job than the state. As the Zoning Administrator viewed it, they would be performing the state's work and assuming their liability when the Environmental Services staff is unqualified, unfunded and understaffed to do so. Ms. DeVetter proposed that the Environmental Services Department does not assume permitting authority for anything 5 mW or more.

The Board discussed with Ms. DeVetter setbacks, what would happen if the county chose to do nothing, and the fact that the county can avoid delegation authority by assuming responsibility for WECS under 5 mW while the state would be responsible for anything over 25 mW.

Commissioner Erickson commented that he has heard comments from local constituents that they want the county to be involved in this process and welcome local input.

The Zoning Administrator stated that she is torn because she sees a need for an ordinance but is unsure how to do it.

The Board discussed with Ms. DeVetter other counties that have developed their own wind energy ordinances.

Commissioner Gray asked for input from the County Attorney on the subject.

County Attorney Paul Kiltinen reported that he would characterize it as the county has the option not to assume delegation authority. Mr. Kiltinen agreed with the Zoning Administrator's view on the 5-25 mW issue and not assuming responsibility for anything 5 mW or more. The County Attorney stated that the benefit of working with the state is that there is uniformity and that you do continue to have local input. It was Mr. Kiltinen's opinion that trying to control the mid-sized projects may be more work than the county can assume.

Commissioner Tjosaas suggested that the Board review what was proposed in the draft wind ordinance regarding the 5 mW and under issue and update it if needed.

Commissioner Alberts agreed with the Zoning Administrator's comments that if we are not qualified, funded or staffed to assume the authority to regulate LWECS up to 25 mW, that we should not do it.

It was the consensus of the Board that constituents want local input and that commissioners were not interested in becoming a delegated county.

LWECS Discussion -  
Continued

The County Attorney suggested that as part of the inspection process that the applicant be required to contract with a licensed civil engineer.

It was the consensus of the group that the county should only deal with request of 5 mW or less.

Discussion took place regarding the possibility of approving a moratorium on developing LWECS until the Board has the opportunity to develop and approve a wind ordinance for Dodge County. A moratorium may be requested at the next County Board meeting.

Commissioners gave no guidance either way on the issue of a decommissioning fee.

No action was needed at this time.

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

Legal Update

Mr. Kiltinen briefly discussed the grand jury proceedings that took place at the Dodge County courthouse.

County Administrator David McKnight shared 2009 MCIT dividend information with the Board.

2009 MCIT Dividend  
Discussion

Mr. McKnight reported that Dodge County will be awarded a dividend for 2009 in the amount of \$122,998. The County Administrator noted that the counties 2009 budget included \$100,297 in anticipated revenue from the dividend.

The County Administrator commented that the Board is well aware of his goal to eliminate the MCIT dividend as anticipated revenue in the county's budget. Mr. McKnight felt that it was not good practice to anticipate revenue that may not be received. The County Administrator would like to set up a reserve account with revenue from any MCIT dividends that the county does not budget for and then receive to be used for items such as capital equipment purchases, building issues, etc. This would be a benefit to the county and the taxpayers by reducing the amount of tax dollars the county would have to ask for to purchase these one-time types of expenditures. Our 2010 budget includes \$100,000 in revenue from an MCIT dividend.

The reason Mr. McKnight placed this item on the agenda is to request that the county set up this reserve account with the excess \$22,701 that the county received over the anticipated amount to be used for yet to be determined one-time purchases. The County Administrator and County Board will decide the use of this fund at a later date. The alternative would be to place the excess amount into the revenue fund where it would sit with our other funds/investments.

It was the consensus of the Board that the County Administrator should work with the Finance Director to create a reserve account for MCIT dividends. Additional information regarding setting up the account will be brought back at a later date.

2009 MCIT Dividend Discussion - Continued

The County Administrator requested that the Board set a date for the 2010 budget public comment meeting.

2010 Budget Discussion Meeting Date Set

The 2009 legislature changed the requirements for the traditional Truth in Taxation (TNT) hearings that the Board normally held in December of each year. The traditional TNT meetings will be replaced with an opportunity for the public to comment on the county's budget at a regular meeting of the Board. The only requirement on the regular board meeting is that it be held after 6:00 p.m.

There are a few other changes that require county staff to do less work in organizing the meetings with all of the cities and school districts. Each property owner will still receive a traditional TNT statement with the meeting time and place listed, but we no longer have to place an ad in the paper advertising this meeting. We are required to announce the date and time of the meeting where the final budget will be discussed/approved at the meeting where the Board approves the preliminary budget/tax levy.

Motion by Alberts seconded by Gray to reschedule the start time of the regular County Board meeting scheduled for Thursday, December 10, 2009 (this meeting date was changed to Thursday to accommodate the annual AMC Conference) to 6:00 p.m. with the 2010 Dodge County budget and tax levy as the first item on the agenda that will include an opportunity for the public to comment on this issue. *Motion adopted unanimously.*

Motion by Tjosaas seconded by Erickson to go into closed session at 10:47 a.m. CDT for the purpose of discussing the potential purchase of Mantorville school property located at 721 Main Street North, Mantorville, MN from the Kasson/Mantorville School District. Present in the closed session were the five County Commissioners, County Attorney and County Administrator. *Motion adopted unanimously.*

Closed Session to Discuss Potential Purchase of Mantorville School Property

The Chair reopened the meeting to the public at 11:26 a.m. CDT.

Meeting Reopened to the Public

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

Administration Committee Report

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

07/28/09 Committee of the Whole Meeting Minutes Approved

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

07/28/09 Meeting Minutes Approved

Commissioners provided their agency reports. Commissioner Hanson attended a SEAAA meeting, a Trails meeting, a highway tour and a HRC meeting. Commissioner Alberts attended a road tour. Commissioner Gray attended a county road tour and a SCHRC meeting. Commissioner Erickson attended a special meeting of the SHCA Joint Powers Board, a SE Regional Radio Board meeting, a Dodge County Planning and Zoning meeting, a Dodge County EDA meeting and a Dodge County highway tour. Commissioner Tjosaas attended a Planning and Zoning meeting, an EDA meeting, a road tour and a Semcac meeting.

Agency Reports

Motion by Gray seconded by Tjosaas to adjourn the meeting at 11:39 a.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on August 25, 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: