

TUESDAY, AUGUST 12, 2008

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2008-15

The Dodge County Board of Commissioners met in regular session August 12, 2008, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. Klaus Alberts, 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 Gray to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

Southeastern Minnesota Multi-County Housing and Redevelopment Authority (SEMMCHRA) Community Development Director Jack Noll met with the Board to discuss a Small Cities Development Program (SCDP) proposal.

SCDP Program
Discussion Tabled

Mr. Noll informed the Board that SEMMCHRA is working with cities throughout Dodge County to develop a SCDP application for owner-occupied housing, rental, and commercial properties for funding from the Minnesota Department of Employment and Economic Development (DEED).

The Community Development Director noted that a couple of years ago, DEED revised some of the program requirements, which included eliminating a target area for owner-occupied housing and rental rehabilitation activities. This means they can now assist homeowners in rural areas with rehabilitating their homes.

Mr. Noll reported that a lot of interest has been expressed from rural property owners in Dodge County, therefore, SEMMCHRA is requesting approval of a resolution from the County Board to participate in the proposed SCDP for Dodge County in order for rural property owners to be included in the application.

The Community Development Director stated that there are no financial obligations or grant administration obligations through the proposed program for Dodge County.

SCDP Program
Discussion Tabled -
Continued

Commissioner Erickson clarified that they have one application within city limits and that Mr. Noll would be representing homeowners in the rural areas.

The Community Development Director informed the Board that they expect the grant figure to fall between \$800,000 and \$1,000,000.

Commissioner Alberts wanted to know why the county needed to be involved if they are not responsible for doing anything for this program.

Mr. Noll stated that the County Board has to be involved in order for them to serve rural property owners in Dodge County, nobody has the authority to do this other than the County Board of Commissioners.

Commissioner Erickson wanted to know if Dodge County approves this request if they would by tying themselves into SEMMCHRA.

The Community Development Director reported that Dodge County is still represented by SEMMCHRA whether or not they choose to participate. It was noted that Doug Klevous is the self appointed representative for Dodge County.

Mr. Noll informed the Board that the City of Dodge Center will be the grant recipient. The money will then be sent to SEMMCHRA to disburse to the contractors. All fund allocations will be monitored.

Commissioner Erickson clarified that the county will not act as a fiscal pass through.

Planning Director Duane Johnson informed the Board that this is the first that he has heard of the Small Cities Development Program request. Mr. Johnson stated that the Economic Development Authority (EDA) has not been involved or informed of this program. The Planning Director reminded the Board that there is no interest on SEMMCHRA's part to allow Dodge County to discontinue their relationship with them as requested several years ago.

Concern was expressed that the EDA has not had a chance to review at this request.

Commissioner Erickson reminded the Board that if the cities agree to participate in this program and the county does not, that someone in the county would not be able to apply for this program.

Commissioner Alberts wanted to know if the county would be financially obligated in the future if they agreed to participate in the program.

Mr. Noll indicated that the county would not be obligated financially in the future.

Commissioner Gray stated that the Board heard this same thing years ago and they have now been asked to contribute when they were initially told they would not be asked to contribute any money.

SCDP Program
Discussion Tabled -
Continued

The Community Development Director reported that in the past the Board was asked for levy dollars to keep their doors open. In this case the grant monies are used to support this program and noted that administrative expenses were also built into the grant. Mr. Noll reassured the Board that nobody will be coming to the county asking for levy money.

It was Commissioner Gray's opinion that there are other options for these types of programs. Mr. Gray was apprehensive because he has not heard anything from any of the communities in support of this program.

Commissioner Alberts indicated that the Board is not prepared for this discussion at this time and that they needed time to talk to the cities and the EDA needs time to review the request.

Mr. Johnson informed the Board that Terry Erickson has expressed an interest in speaking to the County Board and the EDA on this same subject. The Planning Director suggested that they set up a time to discuss this issue on August 26, 2008 if it can be worked out.

Motion by Gray seconded by Tjosaas to table further discussion on the proposed Small Cities Development Program until August 26, 2008 in order to obtain more information and allow time to talk to the cities. *Motion adopted unanimously.*

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

Personnel Actions
Approved

A. Highway

- A.1 Jamie Finne – Highway Accountant
Step increase from C41 step 8 \$20.68 to C41 step 7 \$21.23.
Effective Date: 7/12/08
- A.2 Loren Otterbein – Equipment Operator III
Status change from Operator III \$18.46 to Operator II \$17.84.
Effective Date: TBD
- A.3 Equipment Operator III – 1.0 FTE
Authorization to post and fill internally.
Effective Date: TBD

B. Administration

- B.1 Amanda Linderman – Drug Court Case Manager
Step increase from C41 step 9 \$17.03 to C41 step 8 \$17.68.
Effective Date: 6/26/08
- B.2 Matt Maas – Emergency Management Director
Authorization to employ at C41 step 2 \$24.02 to fill approved vacancy.
Effective Date: 9/2/08

C. Public Health

- C.1 Gail Hester – Business Office Manager - .70 FTE
Step increase from C41 step 4 \$22.89 to C41 step 3 \$23.45.
Effective Date: 8/14/08

Personnel Actions

Approved -
Continued

D. Human Services

- D.1 Gary Trelstad – Interim Human Service Director
Allow payout of unused PTO to exceed maximum by up to 100 hours upon retirement at the end of 2008.
Effective Date: 8/12/08
- D.2 Gary Trelstad – Interim Human Service Director
Authorization to change status from Interim Human Services Director D64 step 5 \$32.53 to Collections and Accounting Unit Supervisor C43 step 1 \$27.07.
Effective Date: 8/18/08
- D.3 Jane Hardwick – Human Services Director
Authorization to employ at D64 \$43.75 to fill approved vacancy.
Effective Date: 8/18/08
- D.4 Annette Schneckloth – Support and Collections Specialist
Authorization to change status from Child Support Officer B23 step 1 \$17.84 to Support & Collection Specialist B31 step 3 \$18.29.
Effective Date: 9/2/08
- D.5 Child Support Officer – 1.0 FTE
Authorization to post and fill vacancy created by resignation and status change.
Effective Date: 8/12/08

Motion adopted unanimously.

Ms. Hager reviewed with the Board the proposed Labor Agreement with Law Enforcement Labor Services - Sheriff's Department Union for 2008-2009. The Employee Relations Director informed the Board that the Sheriff's Department Union has voted and signed this agreement.

LELS Labor
Agreement for 2008-
2009 Approved

The Employee Relations Director provided the Board with a summary of significant issues includes the following:

1. Article XVI Shift Differential - Increase from \$.30 to \$.45 in 2009.
2. Article XVIII Clothing Allowance and Maintenance - Increase by \$17.50 per year in 2008.
3. Article XIX Holidays - Double time pay for all hours worked on Christmas Day.
4. Article XXII Paid Time Off - \$450.00 cap per month on retiree insurance paid by county for employees hired after January 1, 2008 with 20 years of service.
5. Appendix A Wages Schedule - Increase by 2.5% in 2008 and 3.25% in 2009 with some modification to the step structure.
6. Memorandum of Understanding to deal one exception to the changes made in Article XXII above.

Motion by Erickson seconded by Hanson to approve and authorize the Chair, County Administrator and Employee Relations Director to sign a Labor Agreement with Law Enforcement Labor Services - Sheriff's Department Union for 2008-2009. *Motion adopted unanimously.*

LELS Labor Agreement for 2008-2009 Approved - Continued

Commissioner Gray commended Ms. Hager for doing an excellent job on the labor agreement and noted that the Board appreciates the effort she put into settling the agreement.

Finance Director Lisa Kramer and Ehlers and Associates Representative Carolyn Drude met with the Board to conduct a Capital Improvement Plan (CIP) public hearing and discuss the sale of General Obligation Capital Improvement Plan bonds.

Capital Improvement Discussion

Ms. Drude reviewed the 2008-2012 Capital Improvement Plan with the Board. The capital improvement plan includes the Ag Center remodeling project and the courthouse roof repair project. It is the county's intention to issue bonds in the amount of \$1,570,000.00 or less for funding said Capital Improvement Plan. Bond financing options for both seven and ten years were presented.

Other information provided for the Board's review included a copy of the draft CIP Plan, a resolution adopting the CIP and authorizing the issuance and sale of bonds and a resolution for reimbursement of costs from bond proceeds.

The Chair called the 2008-2012 Capital Improvement Plan public hearing to order at 10:21 a.m. CDT.

2008-2012 CIP Meeting Called to Order

There were no members of the audience that wanted to comment on the proposed 2008-2012 Capital Improvement Plan.

Motion by Erickson seconded Hanson to close the Capital Improvement Plan public hearing at 10:22 a.m. CDT. *Motion adopted unanimously.*

CIP Public Hearing Closed

Motion by Tjosaas seconded by Hanson to approve and authorize the Chair and Deputy Clerk to sign resolution #2008-33 adopting the 2008-2012 Capital Improvement Plan and authorizing the issuance and calling for the sale of General Obligation Capital Improvement Plan Bonds, Series 2008A:

2008-2012 Capital Improvement Plan and Sale of Bonds Approved by Resolution #2008-33

WHEREAS, the Board of County Commissioners (the "Board") of Dodge County, Minnesota (the "County") has prepared the Capital Improvement Plan 2008-2012 (the "CIP") pursuant to Minnesota Statutes, Section 373.40; and

WHEREAS, during the course of the preparation and review of the CIP, the Board has considered, for each capital improvement and for the CIP overall: the condition of the County's existing infrastructure, including the projected need for repair or replacement; the likely demand for the improvements; the estimated cost of the improvements; the available public resources; the level of overlapping debt in the County; the relative benefits and costs of alternative uses of the funds; operating costs of the proposed improvements; and alternatives for providing services most efficiently through shared facilities with other counties or local government units; and

2008-2012 Capital
Improvement Plan
and Sale of Bonds
Approved by
Resolution #2008-33
- Continued

WHEREAS, the CIP covers at least a five-year period beginning with the date of its adoption; sets forth the estimated schedule, timing, and details of specific capital improvements by year, together with the estimated costs, the need for the improvements, and sources of revenue to pay for the improvements; and

WHEREAS, the County intends to issue its capital improvement plan bonds (the "Bonds") in the approximate principal amount of \$1,570,000 to finance various capital projects described in the CIP, pursuant to Minnesota Statutes, Section 373.40; and

WHEREAS, pursuant to Minnesota Statutes, Sections 373.40, the County has published notice of its intent to adopt the CIP, its intent to issue the Bonds thereunder, and the time and date of the hearing to obtain public comment on the matter at least fourteen (14) but not more than twenty-eight (28) days prior to the date hereof; and

WHEREAS, the County has held a public hearing on August 12, 2008, to obtain public comment on its intent to adopt the CIP and to issue the Bonds;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Dodge County, Minnesota:

SECTION 1. ADOPTION. The CIP is hereby adopted.

SECTION 2. ISSUANCE OF BONDS. It is hereby determined to be in the best interests of the County to issue its General Obligation Capital Improvement Plan Bonds, Series 2008A, in the approximate aggregate principal amount of \$1,570,000, pursuant to Minnesota Statutes, Section 373.40 and Chapter 475, to finance various capital improvements as described in the CIP.

SECTION 3. SALE MEETING. This Board shall meet on Tuesday, September 23, 2008, at a time to be determined by the County Administrator, for the purpose of considering sealed bids for the purchase of the Bonds and of taking such action thereon as may be in the best interests of the County. Ehlers & Associates, Inc., as independent financial advisor, pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, paragraph (9) is hereby authorized to solicit bids for the Bonds on behalf of the County on a negotiated basis.
Resolution adopted unanimously.

Motion by Gray seconded by Erickson to approve and authorize the Chair and Deputy Clerk to sign resolution #2008-34 establishing procedures relating to compliance with reimbursement bond regulations under the internal revenue code:

Procedures Relating to Compliance with Reimbursement Bond Regulations Approved by Resolution #2008-34

BE IT RESOLVED, by the County Board of Commissioners (the "County Board") of Dodge County, Minnesota (the "County"), as follows:

1. Recitals.

- (a) The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the County's bonds used to reimburse the County for any project expenditure paid by the County prior to the time of the issuance of those bonds.
 - (b) The Regulations generally require that the County make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).
 - (c) The County heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.
 - (d) The County's bond counsel has advised the County that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application to payments of County project costs first made by the County out of the proceeds of bonds issued prior to the date of such payments.
2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the County to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The County Board hereby authorizes the County Finance Director to make the County's Declarations or to delegate from time to time that responsibility to other Appropriate County employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

Procedures Relating to Compliance with Reimbursement Bond Regulations Approved by Resolution #2008-34 - Continued

- a) Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the County reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.
 - b) Each Declaration shall (1) contain a reasonably accurate description of the "project" as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.
 - c) Care shall be taken so that the County, or its authorized representatives under this Resolution, not make Declarations in cases where the County does not reasonably expect to issue reimbursement bonds to finance the subject project costs, and the County officials are hereby authorized to consult with bond counsel to the County concerning the requirements of the Regulations and their application in particular circumstances.
 - d) The County Board shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the County has made Declarations.
3. Reimbursement Allocations. The designated County officials shall also be responsible for ' making the "reimbursement allocations" described in the Regulations, being generally written allocations that evidence the County's use of the applicable bond proceeds to reimburse the original expenditures.
4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the County for compliance with the Regulations (or their predecessor versions), and, " henceforth, in the event of any inconsistency, the provisions of this resolution shall apply and govern.

Resolution adopted unanimously.

Building Operations Supervisor Roger Friedt and Kane and Johnson Project Designer/Manager Lindsey Scurlock met with the Board to review the courthouse roof reinforcement and re-roof bid results.

Courthouse Roof Reinforcement and Re-Roof Bid Awarded

Mr. Friedt reported that a Kane and Johnson representative was at the bid opening to review the bids for overall pricing of the project including materials being bid, any addendum items considered and any impact to the overall cost to the project.

Roof project bid results were as follows:

Bidder	Base Bid	Alternate #1 ADD Alt. Roof Covering	Alternate #2 ADD Exterior Roof Covering	Alternate #3 ADD Tuckpoint Chimney	TOTAL
Interstate Roofing	\$358,920.00	\$29,812.00	\$10,828.00	\$3,886.00	\$403,446.00
Kreofsky Building Systems	\$206,000.00	\$47,000.00	\$10,000.00	\$23,000.00	\$286,000.00
Northfield Construction Company, Inc.	\$191,140.00	\$29,885.00	\$7,315.00	\$2,450.00	\$230,790.00

Courthouse Roof
Reinforcement and
Re-Roof Bid
Awarded - Continued

Ms. Scurlock answered questions on roofing material and addressed bid result questions.

Motion by Erickson seconded by Gray to award the bid for courthouse roof reinforcement and re-roof to Northfield Construction Company, Inc. with alternate bids two and three in the amount of \$200,905. *Motion adopted unanimously.*

The Building Operations Supervisor shared with the Board a proposal to replace the sidewalk by the annex north entrance.

Heated Sidewalk at
Annex North
Entrance Approved

Mr. Friedt noted that one of the 2008 capital improvement projects included replacing the deteriorating sidewalk area at the annex north entrance and Sheriff’s 24 hour entrance. The cost of the improvement was budgeted at \$20,000.

The Building Operations Supervisor informed the Board that this area is difficult to maintain from a safety standpoint during the winter due to blowing snow, which is constantly blowing off the building and drifting snow at the entrances, which produces icy areas and poor drainage due to melting snow. Mr. Friedt reported that the existing stamped sidewalk feature has also been a safety concern during the winter as well the concrete sidewalk which has deteriorated badly causing pedestrians to slip and fall.

It was the Building Operations Supervisor’s opinion that the best improvement and solution for this safety concern is to replace this area with a heated sidewalk utilizing the existing building hot water heating system. A small heat exchanger will interface with hot water from the building boilers and hot water glycol solution tubes will be looped below the new concrete sidewalk to warm it.

Contractors have provided the following proposals for this project:

Harty Mechanical Austin, MN	Installation of hot water looping material, controls and equipment.	\$12,302.00
Tru Mechanical Rochester, MN	Installation of hot water looping material, controls and equipment.	\$32,000.00
Muehleis Concrete Kasson, MN	Remove and replace concrete for hot water heated sidewalk.	\$ 3,495.00

Motion by Erickson seconded by Tjosaas to approve and authorize Harty Mechanical to furnish and install the hot water looping system for the heated sidewalk at a cost of \$12,302.00 and Muehleis Concrete to remove and replace the concrete sidewalk at a cost of \$3,495.00 for a combined cost of \$ 15,797.00. *Motion adopted unanimously.*

Heated Sidewalk at Annex North Entrance Approved - Continued

County Engineer Guy Kohlhofer met with the Board to discuss his request for continuous weight restrictions on county roads.

Standing Load Limit Restrictions Approved by Resolution #2008-35

Mr. Kohlhofer informed the Board that historically all roads throughout Minnesota have legally been restricted to nine tons per axle during the summer months. Even under these loadings Dodge County’s roads have continued to deteriorate at a rate the Highway Department is unable to keep up with under the current funding. During the last legislative session a state statute was passed that dictates all bituminous county roads are now open to ten ton axle loads unless posted otherwise.

The County Engineer stated that due to the condition of our paved roads it is recommended that all roads not currently posted at a ten ton capacity be continuously posted at nine tons per axle when not posted otherwise for our standard spring load reductions.

Motion by Gray seconded by Hanson to approve and authorize the Chair and Deputy Clerk to sign resolution #2008-35 in support of a standing load limit restriction:

BE IT RESOLVED, by the County Board of Commissioners of Dodge County, that due to the current condition and historical design, county roads may be seriously damaged unless restrictions are placed on the vehicles operating thereon;

NOW, THEREFORE BE IT FURTHER RESOLVED, that no person shall operate any vehicle or combinations of vehicles upon any County State Aid Highway or County Aid Road over the posted weight limit per axles, as defined by Minnesota Statute, Section 169.87 and as amended by the 1981-82 legislature. When not posted for spring load restrictions the load postings will be as follows:

10 TONS PER AXLE

- C.S.A.H. 1 described as follows:
Beginning at the junction of T.H. No. 14 and C.S.A.H. No. 1, thence southerly along C.S.A.H. No. 1 to its junction with C.S.A.H. 3 (Front Street), thence easterly along C.S.A.H.3 (Front Street), to its junction with Claremont's East Street, as designated on the original plat, and there terminating.
- C.S.A.H. 7 from T.H. 14 to C.S.A.H. 34 (old T.H. 14)
- C.S.A.H. 13 from T.H. 14 to 3450 feet Southeast
- C.S.A.H. 34 from T.H. 56 to 900 feet west of C.S.A.H. 25

9 TONS PER AXLE

Standing Load Limit
Restrictions
Approved by
Resolution #2008-35
- Continued

All other paved County and State Aid roads

Emergency vehicles of the public utilities used incidental to making repairs to its plant and equipment or fire apparatus vehicles shall be exempt from the provisions of this resolution. *Resolution adopted unanimously.*

Final Payment for SP
20-030-001
Approved

Mr. Kohlhofer reviewed with the Board his request to approve final payment for SP 20-030-001.

The County Engineer informed the Board that a federally funded safety project to improve three accesses along county roads has been completed. This project included intersections on CSAH 5 near the south county line, CSAH 3 and CR O, and CSAH 22 south of Concord. The original amount of federal funds authorized was \$150,000. The final cost of the project was \$95,015.50. These are 100% federal funds with no local dollars used for construction.

Motion by Tjosaas seconded by Erickson to approve and authorize final payment of \$4,750.78 for completion of project SP 020-030-001 as requested. *Motion adopted unanimously.*

The County Engineer discussed with the Board the proposed gas tax increase.

Gas Tax Increase
Update

Mr. Kohlhofer reported that as part of this years legislative session the Minnesota legislature passed a \$0.05 per gallon gas tax increase with an option for \$0.035 per gallon more as needed for bond payment. This corresponds to an approximate increase of \$250,000 per year for Dodge County (\$150,000 for construction, \$100,000 for maintenance).

With the recent increases in fuel costs and 12% construction cost increases these additional funds are already accounted for in the increased cost of our current Capital Improvement Plan. Without the funding increase we were looking at further dividing the planned projects into smaller sections.

The Board thanked the County Engineer for the update.

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

Bills Approved

01	Revenue Fund	\$184,257.05
11	Human Services Fund	\$ 147.00
13	Road and Bridge Fund	\$118,924.48
16	Environmental Quality Fund	\$ 21,602.74
80	Agency Fund	<u>\$ 2,311.89</u>
	Total	\$327,243.16

Motion adopted unanimously.

Compliance Officer Melissa DeVetter presented the August 6, 2008 Planning Commission Recommendations. Motion by Erickson seconded by Hanson to approve the following action of the Planning and Zoning Commission as reviewed on August 6, 2008 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #08-22
Approved

Tom Watson – CUP #08-22

The first request is to consider an application for a conditional use permit to establish one additional non-farm dwelling with a sunset clause in the Agricultural District. The property is 10.06 acres located in the NE ¼ of the NE ¼ of Section 21, Westfield Township. Tom Watson is the applicant and the property owner.

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

1. The Agricultural Covenant shall be signed and recorded.
2. Address be obtained from Dodge County Highway Department.
3. The sunset clause applies. When the home is no longer used by the parents it is to be vacated.

Motion adopted unanimously.

The Board reviewed the Derek Finstuen CUP #08-23 request.

Motion by Gray seconded by Alberts to deny the Derek Finstuen CUP #08-23 request.

Planning
Commission
Recommendation
CUP #08-23 Denial
Discussion

Commissioner Gray informed the Board that he has received numerous communications regarding this issue and noted that he has large concerns regarding feedlots in Dodge County. Mr. Gray indicated that there are individuals that believe property rights imply that what a property owner does on their own property does not apply to neighbors. Commissioner Gray expressed concern regarding curtain barns and incomplete inspections and noted that they have less information on this request than they did with the request for his father's barn which is located in the same area. Mr. Gray shared his concerns regarding flood plains, run off and sink holes. Commissioner Gray reported that the maps used for a location map may not be accurate. It was Mr. Gray's opinion that this was a risky area to locate a feedlot. Commissioner Gray reported that he had an opportunity to review nitrate level information that was provided by Environmental Technician/Educator Dean Schrandt and has concerns. Mr. Gray stated that he has read correspondence from experts that state that the proposed area is not good for this type of operation. Commissioner Gray noted that he attended the Milton Township Board meeting and that Milton Township did not vote to support this application. Mr. Gray informed the Board that he has received correspondence from neighbors Scott and Beth Glarner, Jeff Green, Rodney Balritsch, Ken Olson, Erick and Angie Organ, John and Pat Derby, Kerry and Bonnie Glarner and Tom Jensch expressing concerns regarding water quality, health issues, quality of life, karst, slopes/run off, surface water, clean air and manure acres. Mr. Gray reported that the Planning Commission did not ask any questions of Mr. Finstuen and noted that there was a poor turnout for the meeting. It was Commissioner Gray's opinion that there is not enough information available on curtain barns to know if they are effective.

Commissioner Alberts stated that he shares Commissioner Gray's views. Mr. Alberts commented that while Mr. Finstuen is a good farmer it does not reduce the fragility of the land. Commissioner Alberts acknowledged that the Board needs to be very cautious of what they are approving. Mr. Alberts stated that the Board owes it to themselves, the county and the citizens in the Milton area to deny this request. It was Commissioner Alberts' opinion that Mr. Finstuen is trying to build the barn in the wrong area. Mr. Alberts stated that there are too many people concentrated in such a small area and that the proposed site is not a good place to build a big feedlot. Commissioner Alberts referred to a letter from the Mayo Clinic that says air quality may be a contributing factor for citizens in the area with health issues.

Commissioner Hanson noted that the Board can deny the request but does not know that they should because it meets the county's zoning requirements. Mr. Hanson stated that he would like to see the request broke down so the Board can determine what areas they have concerns and address each concern individually. Commissioner Hanson concurred that karst features are a concern and need to be addressed. Mr. Hanson wondered if the building itself could contain any spills and if ongoing testing at the building site could be done.

Planning
Commission
Recommendation
CUP #08-23 Denial
Discussion -
Continued

Assistant Zoning Administrator Melissa DeVetter briefly discussed the Pollution Control Agencies (PCA) requirements for liquid storage areas and the stipulation that there can be no karst features within 1,000 feet of the building. Also discussed were setback requirements. Ms. DeVetter noted that the ordinance is not in compliance but the setbacks are.

Commissioner Hanson reminded the Board that the building meets standards.

Commissioner Alberts commented that once contaminated you cannot change the soil, water and air. Mr. Alberts stated that nobody is concerned about the building meeting standards.

Commissioner Hanson suggested that the Board discuss areas that are faulty such as the bio-filters.

The Assistant Zoning Administrator suggested that the Board could require the barn to be tunnel ventilated to provide protection for the neighbors.

Commissioner Hanson discussed his concerns regarding water and manure application. Mr. Hanson noted that the first aquifers have been contaminated. Commissioner Hanson did not know how the Board could isolate one farmer when there are others doing the same thing all over the county.

Commissioner Alberts commented that the water was bad before the building was put up. Mr. Alberts reported that water leaches into the water table and that he was concerned with further contaminating the water.

Commissioner Tjosaas stated that they have an ordinance and that they have passed many request for barns in the past. Mr. Tjosaas wanted to know how the Board could single this request out. It was Commissioner Tjosaas' opinion that the open feedlots where the water runs through it are a bigger contributor to the contamination than the confined feedlots.

Commissioner Erickson stated that asthma is a concern, he is not denying there is an asthma issue but noted that this is an issue that is all over the country and did not think the Board could address this issue with this request. Mr. Erickson commented that there are so many other factors that contribute to asthma that need to also be considered.

Planning
Commission
Recommendation
CUP #08-23 Denial
Discussion -
Continued

Commissioner Erickson addressed nitrate concerns and noted that there is a difference in opinion regarding this issue and noted that nitrates are found in many different areas. Mr. Erickson reported that nitrates are commonly found in water. Commissioner Erickson informed the Board that there are number of counties out there that have rural water systems. It was Mr. Erickson's opinion that people should test their wells frequently. Commissioner Erickson stated that with proper farming practices he does not believe farming is the culprit of water contamination and bases that decision on the information that he has read and people that he has talked to. Mr. Erickson reported that he has had an opportunity to discussion the manure application plan information with Assistant Feedlot Officer/Zoning Administrator Ken Folie. It is Commissioner Erickson's opinion that over application of fertilizers is the big issue and that with proper application it is workable. Mr. Erickson agrees that nitrates are there but does not believe that manure is the culprit, there are other issues contributing to this issue.

Commissioner Erickson noted that other counties are affected by karst issues and noted that you cannot spread manure or fertilize above a sink hole. Mr. Erickson stated that Mark Finstuen has adequate acres to spread manure therefore he did not need to apply manure in fields with sink holes. This also applies to Derek Finstuen. Commissioner Erickson stated that trust is an issue, you have to trust that your neighbor is applying manure correctly. Unfortunately this is an issue with these neighbors.

Mr. Erickson informed those present that an EAW is not warranted for this request. The lay of the ground where the barn will be situated will allow for ten feet of separation which is required.

Commissioner Erickson briefly discussed setbacks and how the 1,320 foot setback is in place.

Mr. Erickson discussed reasons for planting trees. Commissioner Erickson reported that he went to the proposed site and looked at it. The site had a stockpile of lime on which he was able to climb up and get a view of the lay of the land. Mr. Erickson stated that the Board needs to determine what it is that they want the trees to do. Aesthetically it does not do any good to plant trees, nobody would see them. If trees are being planted to move air, the air already flows away from the neighboring homes. Commissioner Erickson commented that he empathizes with the people in this area but noted that agriculture is a part of the county.

Commissioner Alberts reported that there are places that this type of feedlot would work in Dodge County and places that they do not. Mr. Alberts informed the Board that they need to remember who is encroaching on whom. Commissioner Alberts stated that the citizens have been there and they have rights to consider too. Mr. Alberts commented that it is up to the commissioners to use their heads on this request. It was his opinion that the feedlot was encroaching on the residents, not the other way around.

Commissioner Erickson noted that in other parts of the county the same thing is going on and they still need to make a decision.

Planning
Commission
Recommendation
CUP #08-23 Denial
Discussion -
Continued

Commissioner Alberts commented that this type of request would not be allowed in other counties.

Commissioner Hanson reported that unlike some other counties Dodge County does require the use of bio-filters, solicits a recommendation from our Advisory Committee and asks the townships for input. Mr. Hanson noted that the Feedlot Advisory Committee did make a recommendation. It was Commissioner Hanson’s opinion that the barn should be tunnel ventilated and noted that he was not concerned with tree planting. Commissioner Hanson clarified that there are eleven additional conditions that are being placed on this request by Dodge County, now the County Board needs to make a decision based on whether they believe they are securing the community based on the karst information presented.

Commissioner Gray stated that what the Board seems to be missing is the fact that this is a unique area in Dodge County. Mr. Gray stated that it is very defendable to say that allowing this request is a high risk for the quality of life issue for this area.

Commissioner Hanson wanted to know what the difference in odor here is compared to other areas of the county. Mr. Hanson noted that air is a concern to the neighbors of these feedlots.

Commissioner Gray expressed concern with curtain sided barns.

Commissioner Alberts reminded the Board that the Berne area is a highly populated area.

Commissioner Hanson questioned whether or not the County Board was going to start disallowing agriculture in Dodge County.

The Board determined that they were ready to call the motion made by Gray seconded by Alberts to deny the Derek Finstuen CUP #08-23 to a vote. The motion failed, Gray, Alberts aye, Erickson, Tjosaas, Hanson nay.

Motion by Hanson seconded by Erickson to approve the following action of the Planning and Zoning Commission as reviewed on August 6, 2008 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #08-23
Approved

Derek Finstuen – CUP #08-22

The second request is to consider an application for a Conditional Use Permit to establish a feedlot of 2,400 head of hogs or 960 animal units. The proposal includes a curtain sided confinement building approximately 51 x 380 feet with a beneath barn 8 foot deep concrete pit for manure storage. The property is 3 acres located in the SE ¼ of SW ¼ in Section 6 of Milton Township. Derek Finstuen is the applicant the property owner.

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

Planning
Commission
Recommendation
CUP #08-23
Approved -
Continued

1. Dodge County Zoning Permit be obtained before construction.
2. The Feedlot Advisory Report dated July 29, 2008.
3. Driveway Easement shall be recorded.
4. Trees shall be planted to the north side of the building with NRCS/SWCD technical assistance.

The Feedlot Advisory conditions, as amended by the County Board, read as follows:

1. Soil borings were taken at the building site location. New borings based on the orientation of the building. These will assist in calculating soil loads for designing the concrete basin and building support and resolve any soils issues. A separation distance of ten feet or greater from the bottom of the concrete liquid manure storage area to bedrock meeting the MPCA 7020.2100 construction requirements shall be maintained.
2. Dedicated drain tile with a dedicated inspection tee shall be placed around the foundation of the barn. Existing field tile will need to be cut and separately routed around the barn so they do not interfere with the dedicated perimeter tile.
3. Contact the NRCS/SWCD for technical assistance to incorporate any County requirements for tree plantings with the existing farmstead for additional building protection from wind and snow.
4. Accurate Manure Application Plans be established and maintained that meet the MPCA 7020.2225 requirements.
5. Sufficient acres be maintained for agronomic rate nutrient plans.
6. Manure should be injected at agronomic rates and application records kept. MPCA 7020.2225 will be followed for land application of manure. If weather or soil conditions do not allow for injection, then the Dodge County feedlot officer shall be notified and MPCA 7020.2225 followed for surface application setbacks and rates.
7. A designated area shall be provided for dead animal storage and disposal that meets Minnesota Board of Animal Health requirements. If rendering is not used, than a separate process (example: carcass compost shed or incinerator) meeting the Minnesota Board of Animal Health and / or the MPCA requirements shall be provided for dead animal storage and disposal.
8. Odor reduction with the use of Bio-Filters on pit fans built to University of Minnesota specifications. The bio-filters need to be installed as soon as possible but no later than July 1st, 2009 to allow backfill settling and final grading to occur before installation.

- 9. All MPCA permits in place and MPCA 7020.2100 followed for concrete construction.
- 10. Pre construction meeting to include owner, excavator, concrete contractor, professional engineer and Dodge County Officials.
- 11. A photographic record needs to be submitted through the design engineer documenting the excavation and construction steps. The photographic record shall meet the MPCA 'Photographic Inspection of Concrete Manure Storage Pits' fact sheet.
- 12. Jeff Green must be present at the time of excavating to monitor whether there is a sink hole present.
- 13. A tunnel ventilated building be constructed.
- 14. The building cannot be built any closer than 1,320 feet from the nearest non-farm dwelling.

Planning
Commission
Recommendation
CUP #08-23
Approved -
Continued

A sink hole on the Glarner property was discussed as well as the distance from the proposed barn.

Ms. DeVetter reminded the Board that two borings are required at a minimum.

The Planning Director informed the Board that the construction of a tunnel ventilated barn could be a reason for additional borings.

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

Motion by Gray seconded by Tjosaas to acknowledge that letters were received from concerned neighbors Scott and Beth Glarner, Jeff Green, Rodney Balritsch, Ken Olson, Erick and Angie Organ, John and Pat Derby, Kerry and Bonnie Glarner and Tom Jensch expressing concerns regarding water quality, health issues, quality of life, karst, slopes/run off, surface water, clean air and manure acres. *Motion adopted unanimously.*

Letters from
Concerned
Neighbors
Acknowledged

The Board reviewed the Betty Rothen CUP #08-26 (extension) request. Motion by Tjosaas seconded by Hanson to approve the following action of the Planning and Zoning Commission as reviewed on August 6, 2008 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #08-26
(Extension) Approved

Betty Rothen – CUP #08-26 (extension)

The Planning Commission recommends approval for an extension of CUP #07-26 for 1 (one) year based on reasons stated in the letter from new owner, Patrick and Connie Schroeder dated July 15, 2008. C.U.P. #07-26 would be extended from October 9, 2008 to October 9, 2009 with the following conditions:

1. The Agricultural Covenant shall be signed and recorded.
2. The septic system must meet the requirements of the Dodge County's septic ordinance.
3. Driveway access and permits be obtained from the Dodge County Highway Department.
4. Submit an Erosion Control Plan per Dodge County Ordinance Section 1617.

Planning
Commission
Recommendation
CUP #08-26
(Extension) Approved
- Continued

Motion adopted unanimously.

Ms. DeVetter informed the Board that there is a low supply of wood chips at the Dodge County Transfer Station. There are a number of producers that were required to have their bio-filter operating by July 1, 2008 however; they have not been able to get media because the Transfer Station has run out. It is estimated that approximately 1,000 cubic yards are needed to complete the remaining bio-filters. The Transfer Station will have the wood chips in by September 1st. The Planning Commission has recommended that the County Board allow the producers to wait to have their bio-filters put on. It was noted that the producers will have to call the Transfer Station to reserve the media. The Assistant Zoning Administrator discussed with the Planning Commission whether or not they should extend the date or put the producer in violation. It was determined that because the producers would have to wait until September 1st before the media would be ready the Environmental Quality office would extend the producers deadline for testing and construction until October 1, 2008.

Bio-Filter Installation
Date Extension
Approved

Motion by Erickson seconded by Hanson to approve and authorize the Planning Commissions recommendation to extend the deadline for bio-filters to be completed by October 1, 2008 instead for July 1, 2008 due to the fact that media for the bio-filters will not be available until September 1, 2008. *Motion adopted unanimously.*

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

Legal Update

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

Public Works
Committee Report

The Board reviewed the Environmental Quality Director's request to approve the sale of surplus equipment.

Sale of Transfer
Station Compactor
Approved

On June 9, 2008 the Environmental Quality Office received proposals to purchase some of their surplus equipment. At that time, the high bid for their compactor was \$500. They did not accept that bid because it was well below the estimated value of \$8,500. Recently, the Environmental Quality office received a proposal from Modern Disposal in Sparta Wisconsin to purchase the compactor for \$8,000.

Motion by Gray seconded by Erickson to approve and authorize the Environmental Quality Office to accept the \$8,000 proposal from Modern Disposal to purchase the 2004 Nedland 4-yard compactor. *Motion adopted unanimously.*

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

Human Services
Committee Report

Motion by Hanson seconded by Tjosaas to approve Human Services Action Item 1.1, payment of the bills as found on the bill payment list pursuant to resolution #95-10, to approve all Financial Assistance case actions as presented, all Social Services case actions with the reasons and actions as found in the individual case files, and to approve the destruction of the closed case files as found on the monthly closed case destruction list. *Motion adopted unanimously.*

[Human Services
Action Item 1.1](#)

Commissioner Alberts 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 July 22, 2008 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

[07/22/08 Committee
of the Whole Meeting
Minutes Approved](#)

Motion by Tjosaas seconded by Hanson to approve and authorize the July 22, 2008 meeting minutes as presented. *Motion adopted unanimously.*

[07/22/08 Meeting
Minutes Approved](#)

The Board reviewed the Building Operations Supervisors request for courthouse HVAC improvements.

[Courthouse HVAC
Improvements
Approved](#)

A 2008 capital improvement project included adding outside air ventilation for fresh air to the six air handling units for improving air quality in the courthouse and was budgeted at \$19,000.00.

Decklever Mechanical, Inc. from Byron, MN and Comet Heating and Air, Inc., combined to furnish and install the mechanical equipment to bring in outside air to the courthouse air handling units for improving ventilation and indoor air quality for \$17,036.00. Decklever Mechanical, Inc. will be the prime contractor for this project.

Motion by Erickson seconded by Hanson to approve and authorize Decklever Mechanical Inc. to furnish and install the ventilation improvements for the courthouse at a cost of \$17,036.00. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Hanson attended a SEAAA meeting, a Fair Board meeting, a Committee of the Whole work session, a Planning and Zoning meeting and a HRC meeting. Commissioner Alberts attended a Planning meeting and a Semcac meeting. Commissioner Gray attended a budget session, a SCHRC meeting and a Planning and Zoning meeting. Commissioner Erickson attended a SCHA Joint Powers Board meeting, a special meeting for SCHA, a budget work session, a Dodge County Planning and Zoning meeting and an Ag Forum – Sustainable Ag meeting. Commissioner Tjosaas attended a meeting at the fair, a budget meeting, a Planning and Zoning meeting and a Semcac meeting.

[Agency Reports](#)

Motion by Gray seconded by Tjosaas to adjourn the meeting at 12:42 p.m. CDT. *Motion adopted unanimously.*

[Meeting Adjourned](#)

The next regular meeting of the Dodge County Board of Commissioners will be held on August 26, 2008 at 9:30 a.m. CDT.

[Next Regular
Meeting](#)

ATTEST:

KLAUS ALBERTS
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: