

TUESDAY, OCTOBER 27, 2009

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2009-20

The Dodge County Board of Commissioners met in regular session October 27 22, 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:

Becky Lubahn	Deputy Clerk
Paul Kiltinen	County Attorney

Motion by Alberts seconded by Erickson to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

Social Services Supervisor Nancy Reuvers introduced Diane Tlougan who is a new Social Worker in the Human Services Office. The Board welcomed Ms. Tlougan.

New Employee
Introduced

Dodge County property owner Renae Streich discussed with the Board her request to waive an After the Fact fine from the Planning and Zoning office.

After the Fact Fine
Appeal Approved

Ms. Streich informed the Board that she is requesting an appeal based on a decision made by the Planning and Zoning Office to fine her and her husband Rod \$100 for not having the required zoning permit to add a porch onto their home until after their project was complete.

On or about May 15, 2009, Rod and Renae Streich contacted their contractor and asked him to build them a porch. The contractor supplied them with an estimate for the project which included a permit at a cost of \$150. Once they reached an agreement on the estimate, construction began on or about June 15, 2009. Sometime during the course of the construction Concord township board member Dan Rabe stopped by and asked whether or not the Streich's contractor had a permit for the construction. At that time the contractor relayed his understanding of the need for a permit. The contractor had contacted Construction Management Services (CMS) and asked whether or not a permit was required. The contractor's understanding, from CMS, was that in the country a permit was not required for this type of structure. Dan Rabe informed the contractor that indeed a permit was required as this area had different setback requirements.

After the Fact Fine
Appeal Approved -
Continued

The contractor proceeded to inform Ms. Streich of this information, however, by that time the project was nearly complete. The contractor filled out the permit application and Ms. Streich brought the permit to the county. At the time Ms. Streich brought the permit to the county she was informed of the potential fine.

Ms. Streich was asked by the Planning and Zoning Administrative Assistant Mary Greening to provide a \$50 check for the permit as well as a \$100 check for an After the Fact fine. Ms. Streich informed Ms. Greening that although the project was nearly complete they had work left to do. Ms. Greening stated that if there has been a shovel in the ground, it is after the fact. Ms. Streich wrote a check for the fine and then heard nothing back from the county for several days so she stopped at the Planning and Zoning Office while at the courthouse for work purposes. It was at that time that Zoning Administrator Melissa DeVetter informed her that her permit application had been returned to her, along with both checks, and that they would need a variance for the completion of her permit application. The next day Ms. Streich received, by certified return/receipt delivery, her application and both checks along with what she perceived to be a nasty letter which had also been sent to the County Attorney, County Administrator, Concord Township, and her local county commissioner. Ms. Streich felt this was especially offensive given she works with people in these departments. Renae Streich noted that she does not know if this letter was sent in compliance with the permit fine policy but felt it was unnecessary.

Ms. Streich then contacted Dan Rabe after receiving the letter from the county. Mr. Rabe informed her of the procedure to obtain a variance. On August 13, 2009 Renae's husband, Rod Streich, went to a township meeting. At that time he explained to the board their dilemma. The board agreed a public hearing was necessary. On September 10, 2009 Concord Township held a public hearing at which time they appealed to their good graces and a variance was granted. The Streich's paid an additional \$46 for the variance. The township board also discussed the fine being imposed on the Streich's and agreed that it seemed unnecessary given the circumstances. Ms. Streich noted that Dan Rabe brought the approved variances to the county and explained the township board's view on the fine to Ms. DeVetter.

On or about September 15, 2009 Ms. Streich's neighbor stopped by to show them his approved permit and variance. He told Ms. Streich that when the zoning department representative came to measure his setbacks, she commented to him about the holes dug where his project was to take place. The neighbor told her that he told the individual that homeowners can dig holes on their property if they want to, which she acknowledged. Much to his surprise, when he received his permit in the mail, it had the Streich's variance attached to it.

After realizing that the county had sent the wrong variance to her neighbor, Ms. Streich waited a couple weeks to go back to reapply for their permit to ensure the county had ample time to correct their mistake. On October 8, 2009 Ms. Streich returned to the county and much to her surprise, they were unaware that they had sent her variance to her neighbor. Ms. Streich proceeded to resubmit her application and check for \$50. The Planning Administrative Assistant asked that she also pay the \$100 fine at which time she informed Ms. Greening that she took issue with the imposed fine given the confusion by her contractor, CMS, and the fact that her neighbor was not given the fine. Ms. Greening told her that she would need to talk to Ms. DeVetter.

After the Fact Fine
Appeal Approved -
Continued

After finishing her business at the courthouse, Renae Streich stopped at the Environmental Services desk to speak directly with Ms. DeVetter. Ms. Streich explained her position on the fine and the Zoning Administrator informed her that she did not see any construction taking place when she measured the setbacks at her neighbors. This struck her as odd, as her neighbor told her that Ms. DeVetter had commented on the holes in the ground.

Ms. Streich felt that Ms. DeVetter was not in any way sympathetic to her request to waive the \$100 fine so she asked her about an appeals process. Ms. DeVetter called her later in the day to inform her that she would need to bring this matter before the Board of Commissioners in order to appeal the fine.

In summary Ms. Streich stated that although they have never been offered a copy of the fining policy, if the shovel in the ground standard is what the county is going by they feel it should apply to everyone in the county not just them. Furthermore, if the current zoning/setback policy is so confusing that a licensed contractor as well as Construction Management Services, an agency the county contracts with, is not able to understand it, how are homeowners expected to understand it? The Streich also asked that the recommendation from their local township board be given stronger consideration. Finally, after all of the time and money they have put into beautifying their historic home, their lovely village and Dodge County, as well as increasing their property value, thereby increasing tax revenue and helping to stimulate the local economy, the Streich's feel that this fine is unnecessary and even wrongly imposed. Renae Streich reported that they in no way intended to deceive Dodge County and believe they acted in good faith therefore are asking that their After the Fact fine be waived.

Commissioners clarified that Concord Township has their own zoning ordinance therefore they need to approve a variance before the county issues a permit.

Ms. DeVetter noted that dirt work is not considered construction. At the time the Zoning Administrator went to the neighbor's property to measure setbacks the neighbor was not home and at that time no footings had been poured. Ms. DeVetter commented that CMS has no jurisdiction in the county and should not be giving advice on the county's permitting process.

County Attorney Paul Kiltinen noted that the request is similar to the process for a tax abatement request. It was the County Attorney's opinion that the public needs to be informed of the permitting process as it appears that they are unaware of the process.

It was Commissioner Gray's opinion that CMS should not have said what they did and that since the contractor was responsible for getting the permit and did not that the contractor should pay the fine.

The Zoning Administrator reiterated that when she viewed the neighbors property to measure setbacks that no earth work had been completed and that there were not any poles in the ground.

Ms. Streich informed the Board that the permitting process is confusing and noted that the owner of the Concord Locker who also recently did some work on his building was also confused by the process and received an After the Fact fine too.

Ms. DeVetter stated that there is a difference between doing slab work verses putting on an addition and pointed out that adding an addition to a structure requires a permit. The Zoning Administrator felt that the fine issue is between Ms. Streich and her contractor and to be fair and consistent that her office needed to impose an After the Fact fine.

After the Fact Fine
Appeal Approved -
Continued

Commissioner Erickson clarified that the Environmental Services staff is following the county ordinance and that Ms. DeVetter is doing her job by imposing the fine.

Commissioner Alberts concurred that the Zoning Administrator did what she was asked to do.

Commissioners discussed the townships role in the request and noted that Dan Rabe presented the Streich's case to Planning and Zoning and recommended that the After the Fact fee be abated.

Commissioner Erickson suggested that the Planning and Zoning Office send a letter to the townships clarifying that they need to inform the property owners in their townships of the permitting process and what steps need to be taken at the township level and at the county level in order to properly obtain a permit.

Motion by Alberts seconded by Gray to approve abatement of an After the Fact fine to Rod and Renae Streich due to confusion on the permitting process and inaccurate information that was giving to the contractor by CMS. *Motion adopted, Alberts, Erickson, Tjosaas, Hanson aye, Gray nay.*

Dodge County property owners Jeffrey and Susan Thoe met with the Board to discuss wind turbine health concerns. Items discussed included industrial wind turbines, Dr. Nina Pierpont's study on wind turbine syndrome, setback issues and Mr. Thoe's belief that as few as one turbine can do bodily harm.

Wind Turbine Health
Concerns Discussion

Commissioner Hanson stated that the ordinance requires a minimum of 750 feet or five rotor diameters on the predominant wind axis for setbacks; this is consistent with state standards.

Ms. Thoe stated that medical research needs to be addressed by the County Board and that medical experts are saying that setbacks should be one and a half miles.

Commissioner Tjosaas indicated that he has not heard about any health problems associated with wind turbines until now.

Jeffrey Thoe stated that the reason that people are not hearing about health problems until now is possibly because there have been no studies done on this issue in this area.

Commissioner Alberts informed those present that if the County Board approved a one mile setback for wind turbines that it would eliminate any turbines from being put up in the county.

Susan Thoe stated that when the Board is making their decision regarding setbacks to remember that it affects families, livestock and wildlife. It was Ms. Thoe's opinion that the Board should error on the side of caution.

Wind Turbine Health
Concerns Discussion
- Continued

Commissioner Hanson reported that he has talked to individuals that live near the wind turbines and that the effects of the turbines on these people vary from person to person.

Commissioner Erickson reminded those present that anything larger than 5MW will be handled by the state and that the state has said that our ordinance will have impact on the state's decision when approving wind turbine requests over 5MW in Dodge County.

Commissioner Erickson informed the Thoe's that he appreciated the information they provided.

Mr. Erickson briefly discussed a map commissioners received in their Board packet that shows where the signed wind rights contracts are within the county and noted that there are a number of signed contracts within the county.

Commissioners indicated that they would take the information provided by the Thoe's into consideration however this was not a public hearing.

It was the consensus of the Board that they appreciated the information they received and that they would have numerous scenarios to look at when making a decision on this ordinance.

Jeffrey Thoe commented that there is a need to protect the residential rural communities.

Ms. DeVetter presented for the Board's consideration the tabled October 7, 2009 Zoning Amendment #09-02 Chapter 21 Wind Energy Conservation Systems (WECS) less than 5MW Planning Commission recommendation.

Planning Commission
Recommendation ZA
#09-02 Discussion
Tabled

The third public hearing is to consider an amendment to the Dodge County Zoning Ordinance sections pertaining to wind power development. Section 21 (Windpower Development/250 kW or greater) and Section 22 (Windpower Development/Less than 250 kW) would be repealed. The proposed new language of Section 21 addresses all Wind Energy Conversion System (WECS) less than 5 megawatts (MW). The new Section 22 would be reserved for future use.

The Planning Commission recommends approval of Chapter 21 Wind Energy Conversion System (WECS) draft as presented with the following change to Section 2106.F.ii "Visible chain-link fencing no less than six (6) feet in height shall be installed around anchor points of guy wires".

It was noted that this item was tabled from the last meeting in order to get feedback from the County Attorney on whether or not an escrow account was a viable option in relation to decommissioning and to further discuss setback requirements.

The County Attorney stated that there are no legal issues with requesting an escrow account versus a performance bond and that the Board needed to keep in mind that an individual may be able to obtain one and not the other.

Commissioners discussed the decommissioning language which they felt needed to be changed. The decommissioning portion of the ordinance in question reads as follows:

2109: Discontinuation, Decommissioning & Restoration

- 4. Decommissioning & Restoration Plan – All commercial WECS shall submit a Decommissioning and Restoration Plan as part of the project application. The plan shall include the following information:

F. Decommissioning Financial Assurance

- ii. In the event a performance bond cannot be issued for the project, the Dodge County Board shall require an escrow account to be established to assure that Decommissioning and Restoration can be accomplished according to the approved plan.

Commissioners felt that the language under F. Decommissioning Financial Assurance item ii which say the Dodge County Board *shall* require an escrow should be changed to read the Dodge County Board *may* require an escrow.

Commissioner Hanson commented that he would be in favor of tabling the discussion in order to get more information from the state so the county could be consistent with the states setback requirements and noise standards.

Motion by Tjosaas seconded by Gray to table further discussion on Zoning Amendment #09-02 Chapter 21 Wind Energy Conservation Systems (WECS) less than 5MW until the state study information is available in November or December of this year. *Motion adopted unanimously.*

Commissioners expressed concern with the possibility of the wind turbines interfering with the new 800mhz radio frequency. Ms. DeVetter stated that her office have been working with the Emergency Management Director to ensure that they do not allow turbines to be placed in areas that will interfere with the 800mhz radio frequencies.

City of Kasson Community Development Director Michael Martin discussed with the Board the Murphy Auto Body project request.

Mr. Martin reported that for the past several months, the Kasson Economic Development Authority has been working with Kurt Murphy of Murphy Auto Body to expand his business. The City of Kasson and Mr. Murphy have reached a tentative agreement.

Mr. Murphy currently operates an auto body repair shop out of his property in Milton Township. The business has grown to the point where this location is no longer practical or desirable. Mr. Murphy has negotiated the purchase of a lot in Southeast Kasson between the AmericInn and Country Carpets where he plans to construct a new building.

Mr. Martin informed the Board that the City of Kasson has approved the preparation of a plan whereby the city's portion of the new property taxes would be rebated to Murphy Auto Body for a period of five years, with an option for two more years if the city deems it in the public interest. It is estimated that the city's portion of the taxes would amount to roughly \$3,000.

Murphy Auto Body
Project Tax
Abatement
Discussion -
Continued

The Community Development Director noted that unlike tax increment financing, tax abatement puts each local unit of government in control of its own share of the property taxes. The Dodge County Board would need to approve its own resolution to allow tax abatement, as will the city and the school district.

Mr. Martin informed the Board that the City of Kasson will arrange for the appropriate paperwork to be prepared and presented. At this point, the city is not asking the Dodge County Board to approve anything, they are simply asking for a sense of the Board to determine if the county would like the city to include the Dodge County taxes in preparing their plan.

The Community Development Director stated that if the Dodge County Board of Commissioners is certain that they do not wish to participate, the city will honor that decision and not use the Dodge County taxes in their planning. Mr. Martin commented that otherwise, it may be appropriate to refer the matter to the Dodge County EDA and ask for their recommendation.

It was the consensus of the Board that they supported the request for tax abatement as requested for the Murphy Auto Body project.

Mr. Martin noted that the request will formally come back to the Dodge County Board for action in a couple of months.

County Engineer Guy Kohlhofer met with the Board to discuss his request to set a Capital Improvement Plan (CIP) hearing date.

Highway Department
CIP Hearing Date
Discussion

Mr. Kohlhofer noted that the Five Year Capital Improvement Plan for highway improvements through 2014 has been prepared. A public hearing has to be held prior to adopting the plan.

The Board requested that the County Engineer bring this item back for discussion in December.

The County Engineer provided for the Board's consideration a Trunk Highway 56 (TH 56) Detour Agreement.

TH 56 Detour
Agreement with State
of Minnesota
Approved by
Resolution #2009-51

Mr. Kohlhofer informed the Board that next summer TH 56, between West Concord and TH 14, is to receive a concrete overlay with some culvert repairs. During these operations it will be necessary to detour traffic off of TH 56. The route selected is on Dodge County CSAH 7 and CSAH 24. Much of CSAH 7 was recently paved and is in excellent condition. The remaining portion was paved in the mid 90's and is sufficient for the expected detour. The section of CSAH 24 that will be detoured onto is in poor condition but is scheduled for reconstruction using federal funds in 2013.

The County Engineer provided the Board with a copy of the Detour Agreement which lays out the details of the agreement.

TH 56 Detour Agreement with State of Minnesota
Approved by Resolution #2009-51
- Continued

Motion by Gray seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-51 in support of a Detour Agreement with the State of Minnesota Department of Transportation:

NOW, THEREFORE, BE IT RESOLVED, that Dodge County enter into MN/DOT Revised Agreement No. 95538 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use and maintenance of County State Aid Highway No's. 7 and 24 as a detour route during the concrete overlay, bituminous shouldering, culvert repair, and other associated construction upon, along, and adjacent to Trunk Highway No. 56 from 0.13 miles north of the south limits of West Concord to Trunk Highway No. 14 under State Project No. 2006-26 (T.H. 56=056).

BE IT FURTHER RESOLVED, that the County Engineer is authorized to execute the Agreement and any amendments to the Agreement.

Resolution adopted unanimously.

Information Technology Director Paul Wiltgen discussed with the Board his request to approve a Pictometry fly-over in the spring of 2010.

Pictometry Software License Renewal
Approved

Mr. Wiltgen informed the Board that the Pictometry International Corporation did a fly-over in the spring of 2007 taking aerial photographs of Dodge County. These images are extensively used by the following county departments: Highway, Environmental Services, Assessor, Recorder and Sheriff's Office. The images are also used by several cities in the county. Dodge County's GIS Specialist, Jeff Mieras uses these photographs to produce maps for the county and for outside agencies and individuals. In 2007 the cost of the fly-over was \$32,883. This paid for the images and two years of software updates/maintenance. These aerial images are now three years old and for some purposes are out of date.

For the year 2010, the Pictometry company offers several options:

1. Pay nothing. Dodge County owns the images and can use them forever.
2. Pay \$820 to renew the software license for one year, which gets us updates and maintenance (this was the option chosen for 2009).
3. Pay for a partial fly-over, minimum cost of \$20,000 (we select the sections to be covered).
4. Full fly-over of the whole county, one flight, for \$40,240.50.
5. Sign up for three flights over six years, with the cost allocated as such:

cost of 1st flight in year one	= \$33,778.00
cost of 2nd flight in year three	= \$41,156.75
cost of 3rd flight in year six	= \$48,535.50

With this last option, the pricing is guaranteed for six years and we can opt out of the 2nd or 3rd flights if we choose.

The IT Director reported that Pictometry also offers a new feature called ChangeFindr. The cost of this extra feature is \$11,250. The ChangeFindr option is used to create a file of building outlines, based on the photographs taken. When a second set of photos is taken ChangeFindr can produce a report listing any building that has changed shape.

Pictometry Software
License Renewal
Approved -
Continued

The Board asked that GIS Specialist Jeff Mieras discuss the accuracy of parcel lines when over-laid on aerial photographs at this time since it tied into the request to approve new pictometry photographs for 2010.

Mr. Mieras informed the Board that citizens using the county web site Beacon option have noticed that parcel lines do not always line up with what they believe to be the real property lines. This causes concern even though there is a disclaimer on the web site that states they do not guarantee the accuracy of the boundary lines.

Mr. Mieras elaborated on the discrepancies in boundary lines and noted that in order to for the boundaries to be corrected that all of the monuments within the county have to be located. The GIS Specialist informed the Board that the boundaries were determined by students of St. Mary's University in Winona using geometry equations before the aerial photographs were available. The cost to correct the boundary issues is expected to be approximately \$200,000. Mr. Mieras also reported that he is the person responsible for fixing the boundary discrepancies as they are brought to his attention.

Property Appraiser Mike Stupka stated that while the pictures do not change substantially each year, his office is required by the legislature to look at every parcel each year to see if it is being used for ag or non-ag purposes. Mr. Stupka commented that there are also tax implications which make it very important for their office to determine ag versus non-ag. The Property Appraiser informed the Board that it will be very difficult to review every parcel in Dodge County without updated aerial photographs with the staff they have and imminent budget cuts.

Commissioner Erickson wanted to know what would happen if the county did nothing.

The IT Director commented that the county owns the pictures forever. If we chose not to renew the software license we would be responsible for any maintenance expenses.

The GIS Specialist informed the Board that pictometry photographs are used countywide and that outside entities also purchase these aerial photos. Mr. Mieras reported that these aerial photographs are used in multiple offices daily.

County Assessor Wendell Engelstad commented that a new fly-over would help them find improvements that haven't been properly permitted.

Mr. Engelstad stated that he believes Pictometry will do a free fly-over in the event that Dodge County would ever have a major disaster with significant property damage. This would give Dodge County access to before and after pictures for estimating damage.

Pictometry Software
License Renewal
Approved -
Continued

Commissioner Hanson wanted to know if the fly-over would correct the parcel line issues.

Mr. Mieras reported that the new fly-over would not correct the parcel line issue and informed the Board that he has taken over the correction of parcel line information from St. Mary's University when he is informed of the need for corrections.

Michael Martin from the City of Kasson informed the Board that the City of Kasson uses the pictometry program daily.

Zoning Administrator Melissa DeVetter reported that she uses the program daily and felt it would be helpful to have updated photos. Using the program Ms. DeVetter can look at the parcels in question and determine her workload based on the photos. The photos allow the Environmental Services Department to determine where they need to focus their efforts and are used for development purposes. The Zoning Administrator stated that it is also helpful to look at these photos before she goes out to a property so she knows what to expect once she gets there.

County Recorder Sue Alberts suggested that the cities that use the program pay a fee to access the new photos since half of the cities want access to the information. It was noted that the other half of the cities would like to utilize the program but don't have the funds available to pay for the program.

Ms. Alberts stated that although she doesn't use the information much, she understands the importance of having current information on hand and keeping the information current.

The County Recorder reported that she has heard that it is not necessary to locate all monuments in order to correct the parcel line issues. In some cases organizations have been able to identify missing monuments markers by mapping out the monument locations they have already verified.

Ms. Alberts suggested that the county send out a Request for Proposals to contract with a business that can fix the parcel based mapping system and make sure it is accurate.

County Engineer Guy Kohlnhofer indicated that he uses the pictometry program daily and noted that the need for updating the system varies from department to department.

Mr. Kohlnhofer informed the Board that he uses the program when determining road access. With the pictometry program the County Engineer does not have to go out into the field to research road access requests, he can pull photos up on his computer and make a determination based on the information in the photos. Mr. Kohlnhofer noted that for what he uses the program for he can use four to five year old photos, but due to the age of the material he will eventually be required to go out into the field more to get the information he needs.

Commissioner Gray stated that he does not feel the fly-over is an emergency when there is a possibility that the county may need to cut people in the future due to budget issues. Mr. Gray commented that the county will be doing less with less in future.

Pictometry Software License Renewal
Approved - Continued

The County Recorder reported that she has the funds in her budget to pay for the fly-over and would be willing to do so since the other departments that utilize the program do not have the money in their budgets to pay for it.

Commissioner Alberts questioned whether or not updating the photos every five to six years would be sufficient.

Mike Stupka informed the Board that if they do not have updated photos that they will be spending money in other ways in order to obtain the information on the parcels they are required to review every year. Examples given included possible increased telephone bills and postage expenses for mailings.

The County Assessor noted that he sees the ChangeFindr as being a big advantage to his office.

Motion by Gray seconded by Alberts to approve the renewal the pictometry software license for one year at a cost of \$820, which gets Dodge County updates and maintenance. The funds for this purchase will be taken out of the Recorder Compliance fund. *Motion adopted unanimously.*

Finance Director Lisa Kramer presented for the Board's consideration an Extension Agreement for 2010.

2010 Memorandum of Agreement for 4-H Program Discussed

It was the consensus of the Board that it was unclear what amount the county is being asked to pay towards the Nutrition Education Assistant position. The Finance Director was asked to find out what the total cost is that the county is being asked to pay under this agreement and report back to the Board at the next meeting.

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	\$108,378.70
11	Human Services Fund	\$ 302.54
13	Road and Bridge Fund	\$ 18,406.55
16	Environmental Quality Fund	\$ 4,682.33
32	County Capital Projects	\$ 3,541.28
80	Agency Fund	\$ 89.00
	Total	\$135,400.40

Motion adopted unanimously.

Ms. Culbertson discussed with the Board the classification of tax forfeited land.

Tax Forfeited Land
Classification
Approved

According to MS 282.01 the County Board must classify properties which have been forfeited to the state for nonpayment of taxes. This is the first step before the land may be sold at public auction. All but one of the parcels is located within city limits. The one property not within city limits is located in the town of Wasioja.

Ms. Culbertson included in the Board packet pictometry photos of the forfeited parcels as well as literature from Statute 282.01 and from the Delinquent Tax and Tax Forfeiture Manual to aid the Board in their determination. It was the Taxpayer Services Director's recommendation that all the parcels in the provided list be classified as non-conservation.

Ms. Culbertson reported that once the Board has made their determination the list of tax forfeited land will be sent to the Department of Natural Resources, the cities and township for their approval.

Motion by Gray seconded by Erickson to approve and authorize the Finance Office to classify the following properties to non-conservation:

Parcel Number	Legal Description
	Wasioja Township
17.100.0840	Lot 8 Block 13 Original Plat Section 14 Twp 107 Range 017
Parcel Number	Legal Description
	City of Claremont
21.100.0300	W 1/3 of Lot 2 Blk 2 in N ½ SW ¼ & S ½ NW ¼ Ex Beg W Ln 50ft N of S Ln N30ft E9in S30ft W9in to Beg Section 28 Twp 107 Range 018
21.100.0310	E 1/3 of Lot 3 Blk 2
21.100.0600	S50ft Lot 11 & W56ft of N82ft of Lot 11 Blk 3 Tax forfeited: 1991 – 2002 Section 28 Twp 107 Range 018
21.476.0010	Lot 1 Block 1 Oak View Estate Section 28 Twp 107 Range 018
21.476.0020	Lot 2 Block 1 Oak View Estate Section 28 Twp 107 Range 018
21.476.0030	Lot 3 Block 1 Oak View Estate Section 28 Twp 107 Range 018

Parcel Number	Legal Description
	City of Kasson
24.380.6010	Lot 1 Block 6 Lindon Manor Section 34 Twp 107 Range 016
24.380.6020	Lot 2 Block 6 Lindon Manor Section 34 Twp 107 Range 016
24.380.7010	Lot 1 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7020	Lot 2 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7030	Lot 3 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7040	Lot 4 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7050	Lot 5 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7130	Lot 13 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7140	Lot 14 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7150	Lot 15 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7160	Lot 16 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7170	Lot 17 Block 7 Lindon Manor Section 34 Twp 107 Range 016
24.380.7180	Lot 18 Block 7 Lindon Manor Section 34 Twp 107 Range 016

Tax Forfeited Land
Classification
Approved

Motion adopted unanimously.

Building Operations Supervisor Roger Friedt met with the Board to discuss an asbestos abatement change order.

Asbestos Abatement
Contract Change
Order Approved

Mr. Friedt informed the Board that the asbestos abatement project encountered additional asbestos containing material (ACM) above the ceiling in the kitchen, dining and entry areas in county owned property located at 20 7th Street East, Mantorville, MN. This was not identified in the ACM survey.

There will be an additional charge of \$1,500 by the asbestos abatement contractor for the removal of the additional ACM. A change order to the contract will be forthcoming from Kane and Johnson Architects for the additional cost to the abatement contract.

Asbestos Abatement
Contract Change
Order Approved -
Continued

Motion by Erickson seconded by Gray to approve and authorize the Chair to sign a change order in the amount of \$1,500 for additional asbestos containing material removal from the house located at 20 7th Street East, Mantorville, MN.
Motion adopted unanimously.

Employee Relations Director Lisa Hager presented the personnel agenda for the Boards consideration. Motion by Alberts seconded by Tjosaas to approve the following personnel actions:

Personnel Actions
Approved

A. Human Services

- A.1 Kathryn Haugen – Social Worker
End of temporary employment.
Effective Date: 8/26/09
 - A.2 Nancy Reuvers – Social Services Supervisor
Amend effective date of resignation.
Effective Date: 11/30/09
 - A.3 Social Services Supervisor –
Approval of update job description and approval to post and fill or contract with another county in the event we are unable to secure experienced candidate.
Effective Date: 10/27/09
 - A.4 Renee Ranvek – Financial Worker
Step increase from B22 step 2 \$16.78 to B22 step 1 \$17.33.
Effective Date: 10/8/09
 - A.5 Jodi Holmberg – Case Aide
Separation agreement due to Case Aide position elimination.
Effective Date: 10/27/09
- B. Assessor's Office**
- B.1 Matthew Naatz - Property Appraiser
Authorization to employ at B23 step 7 \$15.20.
Effective Date: 11/2/09
- C. Sheriff's Office**
- C.1 Ben Bohle – Deputy Sheriff
Authorization to extend temporary full-time status to 11/30/09 due to a reassignment.
Effective Date: 10/27/09

Motion adopted unanimously.

Larry Schaefer and Jeremy Gochnauer of the Dodge County Fair Board met with the Board to discuss the proposed change in the joint powers agreement from the current multiple owner agreement (Dodge County, Kasson, Mantorville and Dodge Center) to the proposed two-owner agreement (Dodge County and Kasson) and the takeover of the day to day operations of the arena by the City of Kasson.

Four Seasons Arena
Availability During
Fair Discussion

Four Seasons Arena
Availability During
Fair Discussion -
Continued

A memo from former County Administrator David McKnight noted that Dodge County officials met with representatives from the City of Kasson and the Dodge County Fair Board on Wednesday, September 30, 2009 to discuss any concerns the Fair Board had on the potential takeover of the arena day to day operations. At this meeting the issues of access to the arena during the fair and the parking lot/drainage issues were the two issues that were discussed.

It was made clear that at this meeting that although everyone understands the history of the Fair Board using the arena, the financial implications of the arena year round and the impact of the lack of ice in the arena for the three week period during and surrounding the fair week cannot continue as they have in the past. The financial constraints of the City of Kasson and Dodge County cannot continue to support the complete loss of income for a three week period during the year.

It was the former County Administrator's opinion that county/city needs to make major changes to the operations of the arena including the use of the arena in the summer. Mr. McKnight felt that the county's budget constraints will result in the closing of the Four Seasons Arena if things do not change. The County Administrator's letter indicated that the City of Kasson's proposal to incorporate the arena into their Park/Recreation Department is the best option when it comes to making positive changes for the future of the arena and to guarantee that the arena continues to exist in the future.

Mr. McKnight's letter also indicated to the County Board that Fair Board needs to understand or assist with the financial aspect of this problem. Also noted was the fact that the Fair Board continues to be delinquent on their loan to the county. A summary spreadsheet that shows that the Fair Board currently owes the county \$21,567.44 was provided in the Board packet for their review. The County Administrator's letter stated that if this were any other organization the county would have stopped funding them a long time ago. It was the Mr. McKnight's opinion that it was time for things to change.

The County Administrator's letter reported that the 2011 budget process will be even more difficult than 2010, but the Board will not have all of the tools they had in 2010 to deal with the 2011 issues. Non-mandated services will be the first group of cuts they will need to look at to meet their levy limit goals. If no changes occur with the Four Seasons Arena for 2010, it will be a potential victim of cuts in 2011. Mr. McKnight felt the City of Kasson's plan to take over management of the arena could help save the arena but stated that changes in the way things have been done need to start immediately.

Fair Board President Larry Schaefer informed the Board that he believes the use of the building was promised to the fair originally but this was not address by the Four Seasons Joint Powers Agreement. Mr. Schaefer feels this building is a pretty important entity to the fair.

Mr. Schaefer informed the Board that McNeilus Truck and Manufacturing (MTM) officials told the Fair Board that they would not participate in the fair if they were could not store their trucks in the Four Seasons Arena during the fair.

The issue of the MTM trucks that are on display in the building during the fair and MTM'S desire to have these vehicles stored inside was discussed.

Four Seasons Arena
Availability During
Fair Discussion -
Continued

Commissioner Erickson reported that Dodge Center City Administrator Lee Mattson discussed this issue with an MTM representative who said they would still participate in the fair even if they could not store their trucks inside so the storage question is not an issue. The Board received a copy of an e-mail exchange between Lee Mattson, Randy Lenth and David McKnight that clarified this issue from the MTM point of view.

The Fair Board President stated that the person he works with and the person the Lee Mattson communicated with are not the same people and noted that the Fair Board still wants to be able to use the Four Seasons Arena building during the fair.

The County Administrator's letter to the Board indicated that all of the commissioners have shared with Mr. McKnight stories of the steep decline in the number of people who actually go through the Four Seasons Arena during the fair. The County Administrator felt that the question of the importance of the Four Seasons Arena building to the fair in light of the fact that fewer and fewer people are going through the building needs to be explained by the Fair Board.

Commissioner Erickson agreed that over the years the traffic in the Four Seasons building has decreased and the building has not done what they hoped it would do.

Mr. Schaefer stated that he feels the economy has played a role in the declined use of the building but noted that they are working on ways to promote the building.

Commissioner Tjosaas suggested using some of the other less used buildings for the exhibits that are currently housed in the Four Seasons Arena building. Mr. Tjosaas felt the Four Seasons building was located so far away from all of the other activities that it might be beneficial to move those exhibits closer to other attractions.

Commissioner Alberts suggested that the Fair Board move some of the exhibits around within the various buildings and stated that he believes the Fair Board should have use of the Four Seasons Arena building during the fair.

The Fair Board President informed the Board that Minnesota Statutes 205, Chapter 38, section (b) states that an agricultural society shall have jurisdiction and control of the grounds upon which its fairs are held and of the streets and adjacent grounds during the fair, so far as may be necessary for fair purposes.

Fair Board member Robert Scherger reported that he attended a district meeting on Saturday and they discussed what other counties are contributing to their Fair Boards and noted that some were contributing considerably more than Dodge County contributes to the Dodge County Agricultural and Mechanical Society.

The Board acknowledged that other county fair boards may receive more money than the Dodge County Fair Board but money is an issue due to the current budget situation.

Four Seasons Arena
Availability During
Fair Discussion -
Continued

It was Commissioner Tjosaas' opinion that the groups need to pull together and work to resolve issues between the groups.

Commissioner Erickson concurred that something needs to be worked out between the city and county regarding the use of the Four Seasons Arena during the fair.

Commissioner Alberts' opinion was that the building is a county arena and that it should remain that way. Mr. Alberts felt the exhibits belong on the other end of the grounds and that the Fair Board should have control over the Four Seasons Arena building during the fair since that was the original agreement.

Mr. Schaefer discussed vendor space, the free stage entertainment, exhibits, 4-H expansion and the division of funds from the fair.

Commissioner Hanson wanted to know if there is a benefit to taking the ice out and getting fresh ice in at the arena.

Members discussed the amount of time it takes to take the ice out and put it back in the ice arena. Currently the ice is taken out for three weeks during the fair.

The Fair Board President informed the Board that it took two days to get the ice out of the arena this year. The ice removal process went considerably faster this year since it was warm in July. The arena staff opens the arena doors on both ends of the building which allowed the warmer air to move through the building and melt the ice quickly.

Commissioner Erickson suggested that the two County Commissioners that represent this Board, the City of Kasson and Fair Board work together to resolve this issue.

County Attorney Paul Kiltinen stated that he needs time to review the state statute that Mr. Schaefer presented.

The Fair Board President informed the Board that they need to start booking things yet this year for the 2010 fair so they need to resolve this issue.

Commissioner Tjosaas reiterated that they need to set up a meeting to work their issues out.

Randy Lenth, the City Administrator for the City of Kasson informed the Board that they had a good meeting with the Fair Board last night. The city is willing to listen and be open-minded and wants to make this situation better. Mr. Lenth is willing to work with the Fair Board on a compromise and find solutions. The City Administrator also noted that they need to see what is most cost effective.

A meeting date of Monday, November 2, 2009 at 6:00 p.m. at the fairgrounds was set to further discuss the Four Seasons Arena availability during the fair.

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

Legal Update

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

Human Services
Committee Report

On October 6, 2009 Human Services received notice that Dodge County was selected to receive \$11,500 in Parental Support Outreach Program (PSOP) funding in 2010. The grant award is contingent upon County Board approval.

PSOP Grant
Acceptance
Approved

The grant amount of \$11,500 is consistent with the amount of PSOP revenue Dodge County Human Services budgeted for 2010. For historical reference, Dodge County received \$11,500 in PSOP funding in 2009, and \$21,000 in 2008.

This program assists the county in constraining growth in out-of-home placements for children by providing services to families to reduce or remove barriers to child safety and family and child well-being. Service decisions are based on the needs assessment of the family and the family's interest in specific services. Service options include case management, counseling, therapy, education and activities that enhance parent-child interaction. Also included is the provision of basic needs of food, clothing and shelter.

Motion by Erickson seconded by Tjosaas to approve and authorize the Human Services department to accept a state grant in the amount of \$11,500 for Parental Support Outreach Program (PSOP) for 2010 as requested. *Motion adopted unanimously.*

Annually, Dodge County Human Services contracts for the provision of home and community-based services to people with disabilities. The services covered under the contracts are funded by the Medical Assistance (MA) program with state and federal funding.

Home and
Community-Based
Services Contracts
Approved

Motion by Erickson seconded by Tjosaas to approval of Home and Community-Based Services (Waivers) Contracts with the following providers for the period October 1, 2009 to September 30, 2010:

- Cenneidigh Inc., Faribault, MN
 - Facility located at:
 - Cenneidigh, 205 Southview Street, West Concord, MN 55985
- Elm Care, Inc., (DBA Elm Homes), Waseca, MN
 - Facilities located at:
 - Elm SLS 25, 23904 710th Street, Hayfield, MN 55940
 - ELM SLS 40, 81 County Road 21, Mantorville, MN 55965
- REM Minnesota, Edina, MN
 - Facilities located at:
 - REM Oaks, 806 6th Street NW, Kasson, MN 55944
 - REM Meadow, 601 7th Street NE Kasson, MN 55944
 - REM Willow, 1406 5th Street NW, Kasson, MN 55944
 - REM Tamarac, 302 5th Avenue NW, Dodge Center, MN 55927
- Minnesota State Operated Community Services, St. Paul, MN
 - Facilities located at:
 - MSOCS, 26839 750th Street, Hayfield, MIN 55940
 - MSOCS, 406 6th Street, West Concord, MN 55985
 - MSOCS, 106 1st Avenue NW, Kasson, MN 55944

Motion adopted unanimously.

The Board discussed Human Services request to fill an impending vacancy via employment or contract.

Request to Fill
Impending Vacancy
Via Employment or
Contract Discussed

Nancy Reuvers, Supervisor of Children and Family Services, will be retiring on November 30, 2009. Following discussions with the staff in that unit and other Human Services partners, the Human Services Director believes the Children and Family Services team will need skilled supervision and effective leadership from someone with extensive knowledge of child welfare best practices and the ability to collaborate well to assure that the county continues to achieve good outcomes in an evolving environment (that includes continued budget pressures and increasing multi-county collaboration).

As part of the personnel agenda, the Employee Relations Director and Ms. Hardwick requested authority to post and fill this Supervisor position. In addition, the Human Services Director is requesting authority to consider a contract with another county if they are unsuccessful in recruiting and hiring a well-qualified candidate directly.

It was the consensus of the Board that they supported this request and noted that this request was presented as part of the Personnel Agenda and was approved earlier in the meeting.

Commissioner Tjosaas presented a summary of the Public Safety Committee report and action items.

Public Safety
Committee Report

The Board reviewed Drug Court Coordinator Eric Thompson’s request to approve a donation to Drug Court from the Wasioja Township Board.

Adult Drug Court
Donation Approved
by Resolution
#2009-52

The Wasioja Township Board recently donated \$25 to the Dodge County Adult Drug Court to be used as a graduation incentive.

Motion by Tjosaas seconded by Erickson to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-52 in support of accepting a donation to the Dodge County Adult Drug Court program:

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

WHEREAS, Drug Court wishes to accept this donation and utilize it for the purpose of a graduation incentive; and

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

NOW THEREFORE BE IT RESOLVED, that the Dodge County Board of Commissioners hereby accept the following donation to be used for a Drug Court graduation gift:

Wasioja Township - \$25

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

Adult Drug Court
Donation Approved
by Resolution
#2009-52 -
Continued

Resolution adopted unanimously.

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

Public Works
Committee Report

The Board reviewed the Waste Management Specialist/Administrative Assistant's request to approve a Minnesota Pollution Control Agency (MPCA) grant request.

MPCA Grant
Application
Submission
Approved by
Resolution #2009-53

Research has been done regarding composting opportunities in Dodge County which would utilize the county's licensed compost facility. The Dodge County Environmental Services Department would like to submit an application for an MPCA grant that will assist them in starting a pilot study to offer curbside compost collection for 100 businesses and residents and subsidize half the cost of a home composting bin for the first 200 Dodge County residents that would like to purchase them from a coordinated truckload sale offered by Dodge County and Olmsted County the first week of June in 2010. The grant amount that they are requesting is \$17,000 with Dodge County providing an additional 25% (\$4,250) of in kind and cash contribution totaling \$21,250.

Environmental Services is asking for a signed resolution to send with the grant application authorizing the Environmental Services Director to sign the grant agreement should the county be awarded the grant.

Ms. Cole requested that the Environmental Services Director be granted authority to sign and enter into the MPCA Grant Agreement if they are chosen as a recipient. Listed below are the reasons for this recommendation:

1. If awarded the grant, Environmental Services will be able to offer the opportunity for businesses and residents to divert a large portion of their waste from going to the incinerator. The compost material collected would be processed utilizing the county's compost facility located at the Dodge County Transfer Station.
2. Food waste is heavy and expensive to dispose of. With the waste to energy service fee being implemented January 1st, 2010 this is a way for people to reduce their garbage bill by hopefully reducing their size of container.
3. For the people who are not able to participate in the pilot project for curbside collection, Environmental Services is coordinating a sale of home composting bins with Olmsted County. This grant would help reduce the cost for the first 200 Dodge County residents wanting to purchase the bins.

Motion by Gray seconded by Alberts to approve and authorize the Chair and Deputy Clerk to sign resolution #2009-53 in support of Environmental Services entering into an MPCA Grant Agreement:

WHEREAS, Dodge County Environmental Services has applied for a grant from the Minnesota Pollution Control Agency (MPCA), under its FY10 Environmental Assistance Grant Program; and

WHEREAS, if MPCA funding is received, Dodge County Environmental Services is committed to implementing the proposed project as described in the grant application; and

MPCA Grant Application Submission Approved by Resolution #2009-53 - Continued

WHEREAS, MPCA requires that Dodge County Environmental Services enter into a grant agreement with MPCA that identifies the terms and conditions of the funding award.

THEREFORE BE IT RESOLVED, that the Dodge County Board of Commissioners hereby agree to enter into and sign a grant agreement with the MPCA to carry out the project specified therein and to comply with all of the terms, conditions, and matching provisions of the grant agreement and authorizes and directs the Dodge County Environmental Services Director to sign the grant agreement on its behalf.
Resolution adopted unanimously.

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

Administration Committee Report

Motion by Tjosaas seconded by Gray to approve and authorize the October 13, 2009 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

10/13/09 Committee of the Whole Meeting Minutes Approved

Motion by Erickson seconded by Alberts to approve and authorize the October 13, 2009 meeting minutes as corrected on page 181. *Motion adopted unanimously.*

10/13/09 Meeting Minutes Approved

The Board reviewed the Building Operations Supervisor’s request to approve 2009-2010 snow removal services.

2009-2010 Snow Removal Services Approved

Snow removal services agreements are up for renewal. Dodge County’s current snow removal contractors are interested in continuing their services with the county. Swenke Company Inc. from Kasson provided snow removal at the courthouse and maintenance garage for plowing and salting the parking lots. Wirth Septic Systems from Dodge Center provided snow removal at the Service Center building prior to the building renovation last year.

Other snow removal contractors in the area were contacted for providing snow removal services this year, however, there was a poor response. The contractors notified indicated they were not interested, did not want to take on additional customers, equipment was too small or chose not answer the proposal requests.

Motion by Alberts seconded by Gray to renew snow removal services agreements with Swenke Company Inc., of Kasson, MN and Wirth Septic Systems of Dodge Center, MN to provide 2009-2010 snow removal services for the county as recommended by the Building Operations Supervisor. *Motion adopted unanimously.*

Agency Reports

Commissioners provided their agency reports. Commissioner Hanson attended a Capital House Bonding meeting with the Trails Committee, a Fairview Care Center meeting, a farewell party for the County Administrator and a District IX AMC meeting. Commissioner Alberts attended a farewell party for the County Administrator, a District meeting in Red Wing and a health meeting in Dodge Center. Commissioner Gray attended a Care Center meeting, an AMC District IX meeting and a farewell party for the County Administrator. Commissioner Erickson attended an EDA/HRA meeting, a SCHA Utilization Committee meeting, a Fairview Care Center Board meeting, a final report from the County Administrator, a DFO Advisory Board meeting, a farewell party for the County Administrator and an AMC District IX meeting. Commissioner Tjosaas attended a Care Center meeting, a Trails meeting, a District AMC meeting, a Public Health meeting and a farewell party for the County Administrator.

Motion by Tjosaas seconded by Gray to adjourn the meeting at 12:45 p.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on November 10, 2009 at 9:30 a.m. CDT.

Next Regular Meeting

ATTEST:

DAVID HANSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: