

**TUESDAY, NOVEMBER 9 2010**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2010-22**

The Dodge County Board of Commissioners met in regular session November 9, 2010, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CST. Lyle Tjosaas, Chair called the County Board of Commissioners meeting to order at 9:33 a.m. CST.

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:	Jim Elmquist	County Administrator
	Becky Lubahn	Deputy County Clerk

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

Agenda Approved

County Assessor Wendell Engelstad presented for the Board's consideration a resolution requesting tax relief for flooded properties.

Tax Relief for  
Flooded Properties  
Approved by

Mr. Engelstad reported that the application to the State Executive Council for approval to provide property tax relief to property owners affected by the flooding which occurred in Dodge County and other counties on September 23, 2010 requires a number of documents.

Resolution #2010-52

1. The proposed Dodge County Resolution Requesting Tax Relief for Destroyed Property 110910 is a resolution requesting property tax relief from the State, via Minnesota Statutes, Section 273.1234-1235.
2. SD 5A – Property Damage Assessment Report and SD 5B - Property Damage Recap Report contain selected information from the Flood Damage Assessment Worksheet 2010.

The County Assessor requested approval of the proposed resolution for submission to the State Executive Council.

Motion by Erickson seconded by Hanson to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-52 in support of the County Assessor's request for tax relief for flooded properties:

**WHEREAS**, the County of Dodge experienced a disaster on September 23, 2010; and

Tax Relief for  
Flooded Properties  
Approved by  
Resolution #2010-52  
- Continued

**WHEREAS**, said disaster did cause extensive property damage to buildings in the County of Dodge; and

**WHEREAS**, the County of Dodge has been declared a disaster area by Presidential Declaration of a Major Disaster; and

**WHEREAS**, Minnesota Statutes, sections 273.1231 through 273.1235, provides for tax relief for properties damaged by a disaster upon application to the Governor of the State of Minnesota and the State Executive Council; and

**WHEREAS**, the minimum requirements of the aforementioned statutes have been met as demonstrated in the attached disaster survey.

**NOW, THEREFORE, BE IT RESOLVED** by the County of Dodge that the County of Dodge does hereby request property tax relief under Minnesota Statutes, sections 273.1231 through 273.1235, for property damaged by the disaster that occurred on September 23, 2010, and identified in the attached disaster survey.

*Resolution adopted unanimously.*

County Attorney Paul Kiltinen arrived to the meeting at 9:35 a.m. CST.

County Attorney  
Arrived to Meeting

Zoning Administrator Melissa DeVetter discussed with the Board a potential Flood Hazard Mitigation Grant project.

Flood Hazard  
Mitigation Grant  
Application  
Approved

Ms. DeVetter informed the Board that as the result of the September 22<sup>nd</sup>, 2010, flooding event, Bernard Fuchs sustained damage to his home and property in Section 10 of Milton Township.

Mr. Fuch's took out a mortgage on this property in 2001. In 2005, Mr. Fuchs re-financed and was told at closing by the finance company that flood insurance was not required as his property was not located within the floodplain district. As a result, Mr. Fuchs did not have the property insured for flooding. Mr. Fuchs has been impacted by flooding numerous times since 2001. He is interested in a buyout through the Flood Hazard Mitigation Grant Program and is requesting that the county submit an application on his behalf. Under this program, a local unit of government must be the applicant.

The acquisition would occur through the State's Flood Hazard Mitigation Grant Program. The grant would cover acquisition, demolition, abatement (if required), disposal, and site restoration. Under this grant, 75% of the funds would come from FEMA, 12.5% would come from the State, and 12.5% would be a local match. The local match portion of the funds are not required to come from the county, but can be in the form of cash or in-kind services from the landowner. The landowner even has the option to accept 12.5% less than appraised value of the structure.

It was pointed out that if the property is acquired utilizing these funds, it would become county property which must be kept as open space without structures.

Flood Hazard  
Mitigation Grant  
Application  
Approved -  
Continued

The following options were discussed:

OPTION 1

Pursue the funding to acquire the property.

OPTION 2

Do not pursue the funding. As the structure is substantially damaged, a permit is required to rebuild. The structure must be rebuilt to Ordinance requirements and could not be occupied until it is brought into compliance.

Ms. DeVetter reported that if the county is interested in pursuing the funding, the county must be the applicant and the application must be submitted by December 13th, 2010. The Zoning Administrator clarified that submitting an application does not obligate the county to pursue acquisition.

Multiple scenarios were discussed including potential outcomes for each of the options presented.

Motion by Gray seconded by Alberts to approve and authorize the Zoning Administrator to submit an application on behalf of Bernard Fuchs in order to pursue a buyout through the State's Flood Hazard Mitigation Grant Program.  
*Motion adopted unanimously.*

It was noted that the County Board was not interested in contributing the local match portion of 12.5%. The Board felt this amount should come from the land owner in the form of cash, in-kind services or a reduction in the appraised value of the structure.

Ms. DeVetter provided the Board with an update on the current status of the Skjeveland CUP.

CUP #08-25 Review  
Period Extended

At the September 1st, 2010 Planning Commission meeting, Mr. Skjeveland's Home Occupation CUP #08-25 was reviewed due to the failure to comply with the conditions of his permit. At the public hearing, the Planning Commission recommended the following conditions be completed by November 1st, 2010:

1. Additional crushed rock shall be placed to complete and extend the existing parking lot on the northeast corner of the property for the purpose of truck and equipment parking.
2. The permittee shall remove all vehicles and other business related equipment from the front yard to be stored in the rear yard of the property.

Also to amend Condition #5 of CUP #08-25 with the exception as written below:

5. At no time shall the property meet the definition of a junk yard or salvage yard. Waste or discarded or salvaged materials shall not be brought, sold, exchanged, stored, cleaned, packed, disassembled or handled on the property or within the on-site buildings. Materials shall be hauled directly to their final legal destination at a transfer facility and/or landfill. (An exception is granted for sorting “recyclable material” as defined in County Solid Waste Ordinance No. 4 provided that the sorting and storage takes place entirely within the buildings on-site and the materials are collected as part of Skjeveland Enterprises services defined by county license. Recyclable materials means materials generated and collected at residences and businesses including newspaper, office paper, paper junk mail, boxboard, glass containers, aluminum containers, plastic bottles, tin/steel cans, corrugated cardboard, and other materials designated for separate collection by the County Board of Commissioners.)

CUP #08-25 Review  
Period Extended -  
Continued

At the September 14th, 2010 County Board meeting, the Board approved the recommendation of the Planning Commission and stipulated that if the permittee is not in compliance by November 1st, 2010, the Zoning Administrator will report back at the November 9th, 2010 County Board meeting.

The Zoning Administrator provided the Board with photos of the property taken on November 2<sup>nd</sup>, 2010 at 11:45 a.m. and November 8<sup>th</sup>, 2010 at 12:00 p.m. Ms. DeVetter asked the Board to review the information and determine if CUP request currently meets the appearance of a home occupation and has met the recommendation of the Planning Commission and what further action was necessary on this property.

Commissioner Erickson suggested sending a letter to Mr. Skjeveland from the commissioners acknowledging the improvements that have been made, however noting that there are still a few conditions that still need to be met.

Discussion took place as to whether or not the letter should come from the County Board, County Attorney or County Administrator.

Also discussed was the fact that the business is growing and at some point may outgrow the current location.

It was the consensus of the Board that they should continue to review this CUP request.

Motion by Gray seconded by Erickson to continue the review period for CUP #08-25 in light of the progress reflected in the photographs submitted by the Zoning Administrator and direct the County Attorney's Office to send a letter to Mr. Skjeveland specifying additional permit requirements that have not been met that need to be addressed within the next 90 days. *Motion adopted unanimously.*

The Board thanked Ms. DeVetter for the information.

Sheriff Jim Trihey met with the Board to discuss his request to replace a totaled squad car.

Purchase of  
Replacement Squad  
Car Approved

The Sheriff's Office is requesting approval to purchase a 2011 Chevrolet Impala Police Package (V6) to replace Unit 20, a 2008 Chevrolet Impala Police Package that was totaled on October 16, 2010.

Purchase of  
Replacement Squad  
Car Approved -  
Continued

The replacement for the vehicle is \$20,996.80, plus title, tax and all equipment installation, transfers, graphics and other costs necessary to make it patrol ready.

The 2008 vehicle and equipment within is covered by the county insurance. The vehicle was valued at \$13,780.00, less the deductible of \$1,000.00, with a final reimbursement of \$12,780.00.

Sheriff Trihey noted that the light bar and push bumper will need to be replaced at a cost of \$2,359.36. This amount is included in the total reimbursement figure provided since both items were covered by the county's insurance policy.

Motion by Alberts seconded by Gray to approve and authorize the Sheriff's Department to purchase a 2011 Chevrolet Impala Police Package (V6) at a cost of \$20,996.80, plus title, tax and all equipment installation, transfers, graphics and other costs necessary to make it patrol ready. *Motion adopted unanimously.*

Employee Relations Director Lisa Hager presented for the Board's consideration a tentative Law Enforcement Labor Services Labor Agreement 2010-2011. The Sheriff's Department Union has voted and signed this agreement.

Labor Agreement  
with LELS – Sheriff's  
Department Union  
Approved

A summary of significant issues includes the following:

1. Article XIV Hours of Work – Change of definitions effective 12/1/2011 that would limit our ability to flex deputy's time to reduce overtime.
2. Article XVI Shift Differential – Increase from \$.45 to \$.50 in 2011.
3. Article XVII Field Training Officer – additional \$1.00 per hour pay for all hours as assigned FTO.
4. Article XIX Clothing Allowance and Maintenance – Increase by \$32.50 per year in 2011 and return to taxable income pay out system versus receipt based.
5. Appendix A Wages Schedule – Increase by 3.1% in July, 2010 and 0% in 2011.

It was noted that by approving this request, all unions are being treated the same in regards to 2010-2011 wage increases.

Motion by Erickson seconded by Alberts to approve and authorize the Chair, County Administrator and Employee Relations Director to sign the 2010-2011 Law Enforcement Labor Services Labor Agreement as presented. *Motion adopted unanimously.*

The County Board and County Administrator commended the work of the Lisa Hager and Loring Guenther in settling this contract.

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

Personnel Actions  
Approved

**A. Extension**

- A.1 Patricia Gangl - .75 FTE  
Authorization to change status from temporary to regular hire as Office Manager at A13 step 8 \$12.48 to fill approved vacancy.  
Effective Date: 10/25/10

**B. Human Services**

- B.1 Angie Degrote – Social Worker  
Resignation.  
Effective Date: 11/11/10
- B.2 Social Worker – 1.0 FTE  
Authorization to fill vacancy created by resignation.  
Effective Date: 11/09/10
- B.3 Sandra Halvorson – Office Support Specialist  
Resignation.  
Effective Date: 11/3/10
- B.4 Office Support Specialist  
Authorization to fill vacancy created by resignation.  
Effective Date: 11/9/10

**C. Sheriff's Department**

- C.1 Rick Eggert – 911 Lead Dispatcher  
Annual review.  
Effective Date: 11/12/10
- C.2 Jeff Brion – Deputy Sheriff  
Step increase from C41 step 12-month \$19.86 to C41 step 24-month \$21.27.  
Effective Date: 10/31/10
- C.3 Shannon Boerner – Deputy Sheriff  
Step increase from C41 step 48-month \$23.56 to C41 step 60-month \$24.35.  
Effective Date: 10/01/10
- C.4 Jeff Brumfield – Investigator  
Step increase from C43 step 48-month \$28.74 to C43 step 60-month \$29.46.  
Effective Date: 10/03/10
- C.5 Ginger Knight – Processor/Emergency Management  
Resignation.  
Effective Date: 11/30/10
- C.6 Processor – Civil/Criminal  
Authorization to post and fill a position created by resignation.  
Effective Date: 11/9/10
- C.7 Gary Scofield – Deputy Sheriff/Courtroom Security – On-Call  
Authorization to employ at C41 Hire Step \$19.15 to fill approved vacancy created by resignation.  
Effective Date: 11/12/10

**D. Assessor's Office**

- D.1 Matthew Naatz – Appraiser  
Regular status and step increase from B23 step 8 \$15.67 to B23 step 7 \$16.18.  
Effective Date: 11/2/10

*Motion adopted unanimously.*

Personnel Actions

Approved -  
Continued

County Administrator Jim Elmquist presented for the Board's consideration two agreements for service with the Extension Office for 2011. Mr. Elmquist's recommendation was to approve a 1-year Extension Agreement between Dodge County and the University of Minnesota for 2011.

1-Year Extension Agreement with U of M Approved

The County Administrator noted that the County Attorney was asked to review the agreement to determine if he was satisfied with the terms.

Mr. Elmquist pointed out that the current proposal being recommended is a 0% increase for 2011.

Motion by Alberts seconded by Hanson to approve and authorize the Chair, County Attorney and County Administrator to sign a 1-year Extension Agreement between Dodge County and the University of Minnesota for 2011. *Motion adopted unanimously.*

County Attorney Paul Kiltinen discussed with the Board a request for conveyance of land to McNeilus Properties (Subway) of Dodge Center.

Conveyance of Land to McNeilus Properties in Dodge Center Approved

At a previous Board meeting, the Commissioners asked staff to work with Brian Weber of Weber and Leth to determine a best arrangement of the conveyance of land to McNeilus Properties of Dodge Center. Survey questions and acreage pricing questions were addressed.

Mr. Kiltinen provided the final procedural documents for the proposed land conveyance for the Board's review.

The recommended pricing for the property will be \$12,000. This is reasonably in between what the county believes it was worth and what the acquiring party believes to be the proper value.

The County Engineer was available to comment on the request.

The County Attorney noted that there were three small changes to the proposed Limited Warranty Deed.

Motion by Hanson seconded by Gray to approve and authorize the Chair and County Administrator to sign a Conveyance Agreement for Vacant Land with McNeilus Properties for the sale of that portion of the Southeast right-of-way at the intersection of County Road 34 and State Highway 56, Dodge Center, Dodge County, Minnesota for the sum of \$12,000.00 with a closing date of November 15, 2010. Also included in the motion was authorization for the Chair and County Administrator to sign a Limited Warranty Deed for this piece of property. *Motion adopted unanimously.*

The Board discussed the proposed resolution to vacate a portion of the C.S.A.H. 34 right-of-way in the City of Dodge Center, Minnesota.

Vacation of Portion of C.S.A.H. 34 Right-of-Way Approved by Resolution #2010-53

Motion by Hanson seconded by Gray to approve and authorize the Chair and Deputy Clerk to sign resolution #2010-53 vacating that portion of right-of-way (C.S.A.H. No. 34) City of Dodge Center, Dodge County, Minnesota:

**WHEREAS**, a Petition has been presented for the vacation of a portion of that part of C.S.A.H. No. 34 right-of-way in the Northwest Quarter (NW 1/4) of Section Thirty-four (34), Township One Hundred Seven (107) North, Range Seventeen (17) West, within the City of Dodge Center, Dodge County, Minnesota, and described in Exhibit A which is attached hereto and incorporated by reference; and

Vacation of Portion of C.S.A.H. 34 Right-of-Way Approved by Resolution #2010-53 - Continued

**WHEREAS**, the Petition was signed and presented by all of the owners of the land abutting the piece of property to be vacated; and

**WHEREAS**, all persons interested were given an opportunity to present their arguments both in favor of and in opposition to said vacation; and

**WHEREAS**, it is in the best interest of the public to vacate the portion of the C.S.A.H. No. 34 right-of-way as described.

**NOW THEREFORE, BE IT RESOLVED** that portion of the right-of-way South of C.S.A.H. No. 34 as described in Exhibit A which is attached hereto and incorporated by referenced in the City of Dodge Center, Dodge County, Minnesota, be and hereby is vacated subjected the condition that no improvements be made thereon that interfere with traffic sight lines approaching and at the intersection of State Hwy No. 56 and County Road No. 34, subject to all Utility Easements and that the County Administrator shall prepare and present to the proper county officers a notice of completion of the proceedings in accordance with the statute in such case as made and provided.

*Resolution adopted unanimously.*

The County Attorney provided the Board with a legal update.

Legal Update

Taxpayer Services Director Rose Culbertson reviewed bills with the Board.

Bills Approved

Motion by Erickson seconded by Gray to approve the bills as discussed in the following amounts from the appropriate funds as determined by Finance:

01	Revenue Fund	\$ 83,603.76
11	Human Services Fund	\$ 66.60
13	Road and Bridge Fund	\$ 54,892.09
16	Environmental Quality Fund	<u>\$ 9,093.85</u>
	Total	\$147,656.30

It was noted that the payment to Kasson Car Care Inc. on page 7 will be reduced by \$263.53, three duplicate tow charges were discovered and will be deleted.

*Motion adopted unanimously.*

Ms. Culbertson presented for the Board’s consideration a penalty abatement request.

Gadient Property Tax Abatement Request Denied

Daniel Gadient has submitted a request to abate the penalty for the 2010 second half taxes for Events in Kasson. Mr. Gadient stated that he completely forgot to pay the taxes and that he would like to have the penalty waived.

Mr. Gadiant has paid the base amount of \$7,117.00. The penalty of \$296.07 remains unpaid.

Gadiant Property  
Tax Abatement  
Request Denied -  
Continued

Ms. Culbertson's recommendation was that the County Board remain consistent with past decisions and deny the abatement request.

Motion by Erickson seconded by Hanson to deny Daniel Gadiant's property tax penalty abatement request in order to remain consistent with past practices.  
*Motion adopted unanimously.*

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

Human Services  
Committee Report

Motion by Erickson seconded by Hanson to approve Human Services actions consistent with Human Services resolution #95-10:

Human Services  
Resolution #95-10  
Approved

- Authorize payment of all claims and bills received in the prior month.
- Approve all Financial Assistance case actions taken in the prior month.
- Approve all Social Services case actions taken in the prior month.
- Approve destruction of closed cases listed for destruction in this month.

*Motion adopted unanimously.*

The Board discussed Human Services request to extend the MinnesotaCare eligibility processing agreement to June 30, 2011.

MinnesotaCare  
Eligibility Processing  
Agreement  
Extension Approved

In 2006 Dodge County Human Services entered into an agreement with the Minnesota Department of Human Services to administer eligibility for the MinnesotaCare Program. Human Services has since extended the agreement each year. Under the agreement, Dodge County receives \$30 for each application processed. They currently have approximately 268 cases open and receive approximately \$2,000-\$3,000 each year under this agreement. The amendment under consideration at this time is retroactive to July 1, 2010 and extends through June 30, 2011. Jane Hardwick recommend that the Board consider and approve a motion to extend the MinnesotaCare eligibility processing agreement with the State through June 30, 2011.

Motion by Erickson seconded by Hanson to approve and authorize the Chair to sign Amendment No. 5 to A89218 to extend the MinnesotaCare eligibility processing agreement with the State through June 30, 2011 as requested. *Motion adopted unanimously.*

The Board reviewed the Human Services Director's request to approve receipt of a state grant for Parental Support Outreach Program (PSOP) for 2011.

PSOP Grant Award  
for 2011 Accepted

On October 29<sup>th</sup> Human Services received notice that Dodge County was selected to receive \$11,500 in PSOP funding in 2011. The grant award is contingent upon County Board approval.

The grant amount of \$11,500 is consistent with the amount of PSOP revenue Human Services budgeted for 2011.

For historical reference, Dodge County received \$11,500 in PSOP funding annually in 2010 and 2009, and \$21,000 in 2008. The State has indicated that it is highly unlikely that PSOP funding will be available in 2012.

*PSOP Grant Award  
for 2011 Accepted -  
Continued*

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 Hanson to approve and authorize the Chair to sign an Acceptance of Grant Award agreement for the Parental Support Outreach Program in the amount of \$11,500 for 2011. *Motion adopted unanimously.*

The County Attorney left the meeting at 10:48 a.m. CST.

*County Attorney Left  
Meeting*

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

*Administration  
Committee Report*

Motion by Hanson seconded by Gray to approve and authorize the October 19, 2010 work session meeting minutes as presented. *Motion adopted unanimously.*

*10/19/10 Work  
Session Meeting  
Minutes Approved*

Motion by Alberts seconded by Erickson to approve and authorize the October 26, 2010 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

*10/26/10 Committee  
of the Whole  
Meeting Minutes  
Approved*

Motion by Erickson seconded by Gray to approve and authorize the October 26, 2010 meeting minutes as corrected on page 223. *Motion adopted unanimously.*

*10/26/10 Meeting  
Minutes Approved*

Commissioners provided their agency reports. Commissioner Hanson attended a SEAAA meeting, a Dodge-Steele Health meeting, a Bio-Filter meeting, a Ripley and Havana Ditch meeting, a Township Officers meeting, Hi-Speed Rail meeting and a South Central Human Relations meeting. Commissioner Alberts attended a Joint Powers Public Health meeting, a Semcac meeting and a Township Officers meeting. Commissioner Gray attended a Ditch meeting, a SEMNRB meeting, a SCHRC meeting, a County Township Officers meeting and a county health information meeting. Commissioner Erickson attended a health insurance information meeting, a Regional Redesign Stakeholders meeting, a Dodge County Task Force - Corrections meeting, a trip to the Courthouse to check elections, a Ripley/Havana Ditch meeting and a Dodge County Township Officers meeting. Commissioner Tjosaas attended a Public Health meeting, a U.M. tour, a Township Officers meeting and a Semcac meeting.

*Agency Reports*

Motion by Gray seconded by Erickson to adjourn the meeting at 11:10 a.m. CST. *Motion adopted unanimously.*

*Meeting Adjourned*

The next regular meeting of the Dodge County Board of Commissioners will be held on November 23, 2010 at 9:30 a.m. CST.

Next Regular Meeting

**ATTEST:**

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LYLE TJOSAAS  
CHAIR, COUNTY BOARD

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BECKY LUBAHN  
DEPTY CLERK

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DATED: