

TUESDAY, JANUARY 10, 2006

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-02

The Dodge County Board of Commissioners met in regular session January 10, 2006, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CST. David Erickson, Chair called the County Board of Commissioners meeting to order at 9:30 a.m. CST.

Meeting Convened

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
	Paul Kiltinen	County Attorney

Motion by Tjosaas seconded by Hanson to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

New employees Jessica Westphal a Social Worker in the Human Services Department and Heather Angell a new Public Health Nurse were introduced to the Board.

New Employee
Introductions

Technology Coordinator Dave Deschene met with the Board to discuss the proposed County Surveyor Agreement for 2006. Mr. Deschene reminded the Board that Dodge County contracts with a private surveyor on an annual basis to provide services to the county. In 2005 these services were provided by Roger Brand.

2006 County
Surveyor Agreement
Discussion Item
Tabled

For 2006, Mr. Brand is requesting an increase in the daily rate from \$280/day to \$290/day, and an increase in the hourly rate for additional employees he might require from \$46/hour to \$50/hour.

Motion by Alberts seconded by Gray to table the 2006 County Surveyor Agreement agenda item until the next meeting in order to obtain additional information on the request. *Motion adopted unanimously.*

Drug Court Case Managers Matthew Kohl and Jackie Neve reviewed with the Board their request to increase Drug Court fees from \$1,000 per year to \$1,100 per year.

Drug Court Fee
Increase Approved

Drug Court would like to begin the fee increase upon the approval of the Dodge County Commissioners.

This increase will allow some reduction of the tax levy that was granted to fund Drug Court in future years. These monies will help pay for items such as the following: drug testing kits, laboratory costs, incentives (journals, key tags, graduation materials), and office supplies.

Motion by Gray seconded by Tjosaas to approve and authorize the increase of Drug Court fees from \$1,000 per year to \$1,100 per year effective January 10, 2006. *Motion adopted unanimously.*

Finance Director Tom Olney met with the Board to discuss incidental expenses for 2006. Mr. Olney reported that every year the county pays incidental expenses as Auditor Warrants. The Finance Director reported on what was considered an Auditor's Warrant.

Authorization for
Payment of Incidental
2006 Bills and
Expenses Approved

Motion by Alberts seconded by Hanson to authorize the payment of incidental and necessary expenses by authorization of the Finance office approved by an Auditor warrant for the following qualified bills, salaries, wages, benefits, related withholdings, previously presented commissioner warrants, training, conferences and related travel expenses, jurors and witness expenses, background checks necessary for employment, Four Seasons Claims as approved by the Joint Powers Board, utility bills i.e. (water, sewer, electrical), postage, vehicle registration/tabs, telephone, and freight claims approved by other authorized boards, claims that are due and would incur interest and penalties, and any claims authorized by state statutes, and various state agencies pursuant to MS 384.13, 375.16., 378.18, 471.38 Subd. 2. The Board may review the Auditor's Register and Payroll register monthly to determine appropriate payments of these incidental expenses. *Motion adopted unanimously.*

Comptroller Lisa Kramer reviewed final 2005 bills with the Board. Motion by Gray seconded by Hanson to approve the final 2005 bills as discussed in the following amounts from the appropriate funds as determined by Finance:

2005 Final Bills
Approved

01	Revenue Fund	\$ 41,807.50
11	Human Services Fund	\$ 368.29
13	Road and Bridge Fund	\$ 41,478.49
16	Environmental Quality	\$ 5,807.10
83	Forfeit Land Fund	<u>\$ 3,679.19</u>
	Total	\$ 93,140.57

Motion adopted unanimously.

Ms. Kramer reviewed 2006 bills with the Board. Motion by Tjosaas seconded by Alberts to approve the 2006 bills as discussed in the following amounts from the appropriate funds as determined by Finance: 2006 Bills Approved

01	Revenue Fund	\$140,534.64
11	Human Services Fund	\$ 15,464.77
13	Road and Bridge Fund	\$111,755.42
16	Environmental Quality	\$ 31,417.00
	Total	\$299,171.83

Motion adopted unanimously.

Lisa Hager presented the Personnel Agenda for the Board's review. Motion by Alberts seconded by Hanson to approve the following personnel actions: Personnel Actions Approved

A. Administration

A.1 Pamela Radtke – Custodian - .5 FTE
Step increase from A13 step 4 \$11.90 to A13 step 3 \$12.25.
Effective Date: 12/20/05

A.2 Mike Skjeie - Custodian
Step increase from A13 step 7 \$11.15 to A13 step 6 \$11.49.
Effective Date: 1/5/06

B. Assessor's Office

B.1 Wendell Engelstad – County Assessor
Step increase from D61 step 8 \$24.54 to D61 step 7 \$25.70.
Effective Date: 1/1/06

C. Sheriff's Department

C.1 Rayelle Yankowiak – 911 Dispatcher - .6 FTE
Step increase from B22 step 2 \$14.06 to B22 step 3 \$14.48.
Effective Date: 7/1/05

C.2 Part-time Sheriff Department Staff review of FTE status. The following changes need to be made according to average hours worked. The next audit will be 7/2006

Rayelle Yankowiak – Dispatcher
Decrease FTE from .60 to .On-Call
Effective Date: 1/1/06

C.3 Annual Review of Job Descriptions

Request approval of revised job descriptions for:

Operations Captain

(All updates have been reviewed by employees in the position, Department Head, County Administrator and Employee Relations)
Effective Date: 12/1/05

D. Environmental Quality

D.1 Terrance Selthun – Solid Waste Facility Manager
Step increase from B32 step 4 \$17.90 to B32 step 3 \$18.33.
Effective Date: 1/2/06

D.2 Mark Gamm – Environmental Quality Director
Annual review.
Effective Date: 12/6/05

E. Human Services

- E.1 Part-time Human Services Staff review of FTE status. The following changes need to be made according to average hours worked. The next audit will be 7/2006.

Karen Smith – Case Aide

Increase FTE from .80 to .85

Effective Date: 1/1/06

F. Public Health

- F.1 Part-time Public Health Staff review of FTE status. The following changes need to be made according to average hours worked. The next audit will be 7/2006.

Bonnie Leifeld – Administrative Secretary

Increase FTE from .60 to .65.

Deborah Harlow – PHN

Increase FTE from .70 to .75.

Iva Kietzmann – PHN

Increase FTE from .55 to .60.

Effective Date: 1/1/06

Motion adopted unanimously.

The County Attorney provided the Board with a legal update. Mr. Kiltinen reported that McNeilus Truck & Manufacturing will not be retried, the judge will review the McNeilus Truck & Manufacturing appeal. The Board took the information under advisement.

Legal Update

Public Health Director Peggy Espey and Public Health Nurse Teresa Prond appeared before the Board to discuss a letter received from the Dodge County Licensed Child Care Association and the training that was conducted. The Board was reminded that the fee was approved at their October 25, 2005 Board meeting. The County Administrator and Public Health Director will respond to the association.

Dodge County
Licensed Child Care
Association Letter
Discussion

Planning Director Duane Johnson met with the Board to discuss Planning Commission Recommendations from the January 4, 2006 meeting. Motion by Tjosaas seconded by Hanson to approve the following action of the Planning and Zoning Commission as reviewed on January 4, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #06-01
Approved

Mike & Shelly Barker – CUP #06-01

The request is for a Conditional Use Permit to establish a second farm dwelling in the Ag District. The property is 23 acres located in the NE ¼ of the NE ¼ of Section 28 of Wasioja Township. Mike and Shelly Barker are the applicants and property owner.

The Planning Commission recommends approval with the following conditions:

1. The Ag Covenant shall be signed and recorded.
2. The septic system must meet the County's septic ordinance.
3. Removal of original dwelling if no longer used for family care.

Planning
Commission
Recommendation
CUP #06-01
Approved -
Continued

It was noted that Wasioja Township approved this request.
Motion adopted unanimously.

Motion by Alberts seconded by Tjosaas to approve the following action of the Planning and Zoning Commission as reviewed on January 4, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #04-15
Approved

James & Thomas Paulson – CUP #04-15

The request is for a Conditional Use Permit to extract minerals and materials from the Ag district. The property is located in the SE ¼ of the SE ¼ of Section 20, the E ½ of the SW ¼ of Section 21 and the N ½ of the NW ¼ of Section 28 of Mantorville Township. Stussy Construction, Inc. is the applicant and James and Thomas Paulson are the property owners.

The Planning Commission recommends approval with the following conditions:

1. All mining activity, including removing soil overburden, soil stockpiles, blasting, rock crushing, and rock stockpiling shall be confined to the property described in the Reclamation Plan dated November 25, 2005. Secondly, operations will be in accordance with the Permit Application dated June 16, 2004.
2. The Quarry shall obtain, and update when required, all county, state and federal permits including the Industrial Storm Water Management Permit, and the Groundwater Appropriation Permit.
3. The Quarry shall not increase the height or width of the existing berms on the east and south sides of the quarry, with the exception of grading to control erosion and the placement of topsoil to support vegetation.
4. Berms and stockpiles shall not exceed 25 feet in height and shall have slopes no greater than 34% (3:1) unless slopes are terraced or other approved methods are used to assure stable slopes that can be maintained for erosion control and weed control.
5. By September 10, 2006, all finished slopes on berms and stockpiles shall be covered with topsoil and seed in accordance to the specifications in the permit application.
6. By September 10, 2006, the height of the berm in the Northeast corner of the site shall be reduced to 25 feet or consistent with the height of the first terrace level of the berm.
7. Weeds and trees on the berms shall be controlled to prevent nuisance or safety concerns to neighboring properties and traffic on State Highway 57.

- 8. When any activity is planned in areas that are identified on the map as “hydric soils”, the quarry shall comply with the MN Wetland Conservation Rules before activities begin.
- 9. Prior to the sale or transfer of the property containing the old dump located in the area identified as “proposed park” (north of the haul road) on the Reclamation Plan Sheet dated 11/29/05, the owner shall provide the county and prospective buyer a description of the vertical and horizontal extent of the fill area, a description of the types of debris located within the fill area, and a description of the potential water quality impacts that may be associated with the old debris. Owner will conduct investigation in accordance with standards and practices recommended at the time.
- 10. This conditional use permit is valid for eight years (to December 31, 2013) and may be renewed by board action. The permit may be renewed following staff review and approval by County Board of Commissioners.
- 11. The owner and operator of the Quarry shall allow government officials and staff on the property at any time during operating hours to conduct site inspections and document current conditions. Such access will only be granted if in compliance with OSHA, MSHA, and other safety rules. The owner and operator shall make every effort to assist government representatives to safety inspect the site
- 12. Operator will make available to the County, within 30 days of the County’s request, any or all of the seismograph reports for any explosive events within five years.

Planning
Commission
Recommendation
CUP #04-15
Approved -
Continued

Motion adopted unanimously.

Motion by Gray seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on January 4, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Proposed Zoning
Amendment – Home
Occupations
Planning
Commission
Recommendation
Approved

Proposed Zoning Amendment – Home Occupations

The Planning Commission recommends amending Section 4, 402 and Section 16, 1610 of the Dodge County Zoning Ordinance. The recommendation is as follows:

Delete Current Language:

Section 4.402 – Definitions

~~**Home Occupation.** Any occupation conducted within a dwelling by a person residing therein, where goods or services are offered for sale within the dwelling and where no more than three (3) parking spaces are required, an identification sign is no more than six (6) square feet and entrance to the sales or service area is gained from within the dwelling. There shall be a limit of one non-family employee per home occupation site.~~

Section 8.802 – Permitted Uses (No Change)

- 7. Home occupations, subject to the performance standards in section 1610;

Section 16.1610 – Home Occupations

1. General provisions

- a. ~~not more than twenty five (25%) percent of the total floor area of the dwelling shall be used for this purpose;~~
- b. ~~no articles for sale shall be displayed so as to be visible from any street, nor shall any outside storage of materials or equipment be permitted;~~
- c. ~~home occupations are allowed in a separate building in the ag district under a conditional use permit.~~
- d. ~~no sign shall be allowed other than one (1) non illuminated name not to exceed six (6) square feet in area;~~
- e. ~~the home occupation shall conform to the standards of the State Fire Code and any other applicable codes.~~

Proposed Zoning
Amendment – Home
Occupations
Planning
Commission
Recommendation
Approved -
Continued

Replace With The Following Language:

Home Occupation: Any occupation or business use, full or part time, conducted within a dwelling or an accessory structure, or both, by a resident of the property.

Proposed General Provisions (Section 16.1610):

The following provisions establish the criteria for home occupations based on the impact of the business on the integrity and character of the neighborhood. These provisions provide the details of compliance and are meant to be used for reactive enforcement. It is the responsibility of surrounding homeowners to bring offenders to the attention of the Zoning Administrator for determination and enforcement.

1610: Home occupations: All home occupations shall comply with the following:

- 1. **Appearance.** There shall be no exterior evidence that a building is being used for any purpose other than a dwelling or an accessory structure.
- 2. **Activity.** The home occupation shall not cause any odor, dust, smoke, vibration, noise, heat glare or electromagnetic interference, which can be detected at, or beyond, the property line.

3. **Home Occupation Activity Area.** A defined outside area used in conjunction with a home occupation that includes all outside activities associated with the home occupation, including, but not limited to parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas and areas used for outdoor storage. This area shall be defined by a site plan as a condition of the permit.
4. **Parking.** If necessary appropriate off-street parking spaces will be provided by the homeowner. To handle all vehicle visits authorized under a conditional use permit, off-street parking requirements shall conform to off-street parking provisions in section 1602.
5. **Storage.** There will be no outdoor storage of equipment, material or stock. There will be no storage on the premises of explosives or highly flammable or hazardous materials as defined by the U.S. Environmental Protection Agency. Under a conditional use permit outdoor storage may be allowed subject to site plan review with proper screening and landscaping requirements.
6. **Operator.** The business must be conducted by a full time resident of the property.
7. **Square Footage Usage.** There is no limit to the amount of square footage that can be used within the residential structure for business activity.
8. **Number of Occupations.** More than one home occupation may be conducted on the premises; however the combined business-related impact of all home occupations shall be considered when evaluating the terms of this ordinance.
9. **Types of Residential Structures.** Home occupations are permitted in all types of residential structures allowed by this ordinance.
10. **Conditional Use Permits.** Home occupations are allowed in a separate building or activity area under a conditional use permit. These permits may include but not be limited to section 16 General regulations. Specifically outside storage, off-street parking, screening, fencing and berming requirements may be required.
11. **Home Occupation Agreement.** A special home occupation agreement must be signed and recorded with the Conditional Use Permit.

Proposed Zoning
Amendment – Home
Occupations
Planning
Commission
Recommendation
Approved -
Continued

Motion adopted unanimously.

The County Board met with Nursing Home Administrator Jane Sheeran, TSP Representatives Mel Smestad, Steve Sorensen and Bill Meschke to discuss the Fairview Nursing Home project. Also present for the discussion were David McKnight, Paul Kiltinen and Galen Heinle.

Fairview Nursing Home Project Discussion

Issue is HVAC system, airflow and responsibility.

Galen noticed wrong size HVAC pieces installed that effects this issue.

The proposed cost to fix this issue is \$4,098.

TSP looked at existing drawings, not actual air flows.

This issue will be discussed at the next Fairview Nursing Home Board meeting.

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

Human Services Committee Report

Motion by Tjosaas seconded by Hanson 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 Hanson presented a summary of the Public Safety Committee report and action items.

Public Safety Committee Report

The Board reviewed the Sheriff's request to approve 2006 Law Enforcement Contracts with the City of Hayfield and the City of Dodge Center. It was noted that there are no language changes for 2006. The only change is the hourly rate, which is \$35.66, a 3% increase over the 2005 rate. Motion by Hanson seconded by Tjosaas to approve and authorize the Chairman of the Board, County Administrator and County Attorney to sign 2006 Law Enforcement Contracts with the City of Hayfield and the City of Dodge Center as presented. *Motion adopted unanimously.*

2006 Law Enforcement Contracts Approved for City of Hayfield and City of Dodge Center

The number of jail beds rented from Steele County was discussed. Motion by Hanson seconded by Tjosaas to increase the number of beds to 23 from January 1, 2006 through March 31, 2006. *Motion adopted unanimously.*

Jail Bed Rental Increase Approved

The County Attorney left the meeting at 11:55 a.m. CST.

County Attorney Left Meeting

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

Public Works Committee Report

The Board discussed the Highway Department's request to advertise for and open bids for Bridge No. 20556.

Bid Opening Date
Set for Bridge No.
20556

Motion by Gray seconded by Alberts to approve and authorize the Highway Department to advertise and open bids for SAP 20 634 009 which consists of the replacement of a bridge on CSAH 34, 0.4 miles east of TH 57 in Kasson. Bid opening will be on February 21, 2006 at 11:00 a.m. CST. *Motion adopted unanimously.*

The Board reviewed the Highway Department's request to advertise and open bids for 2006 seasonal supplies.

2006 Seasonal
Supply Bid Date Set

Motion by Gray seconded by Alberts to approve and authorize the Highway Department to advertise and open bids for 2006 season supplies. Supplies to include: Aggregate Material, FA-2 Seal Coat Chips; Aggregate Material, Cl. 2 Rock; Bituminous Mixture; Bituminous Material, CRS-2; Calcium Chloride Solution; Pavement Markings. Bid opening will be February 21, 2006 at 11:30 a.m. CST. *Motion adopted unanimously.*

The Board discussed the Highway Department's request to accept and authorize final payment of bridge and culvert projects.

Final Payment of
Bridge and Culvert
Projects Approved

Motion by Gray seconded by Alberts to accept the completed work and authorize final payment to Midwest Contracting, LLC for the following projects contingent upon more detailed information being provided by the County Engineer:

SAP 20 603 010 –

Bridge replacement on CSAH 3, 0.3 miles north of TH 30

CP 20 0501 –

Bridge replacement in Claremont Township, on 610th Street, 1 mile north of Claremont

CP 20 0502 –

Bridge replacement in Westfield Township, on 725th Street, 1.8 miles Northeast of Blooming Prairie

CP 20 0503 –

Concrete Box Culvert extension on CSAH 2, 1.5 miles east of Blooming Prairie

CP 20 0504 –

Concrete Box Culvert extension on CSAH 5, 0.2 miles south of CSAH 4

The work was completed on August 22, 2005. The final contract amount is \$351,183. The original contract amount was \$340,761. *Motion adopted unanimously.*

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

Administration
Committee Report

Motion by Alberts seconded by Hanson to approve and authorize the January 3, 2006 organizational meeting minutes as presented. *Motion adopted unanimously.*

01/03/06
Organizational
Meeting Minutes
Approved

The Board discussed the County Administrator's 2006 Committee Assignments update.

2006 Committee
Assignments Update
Approved

Motion by Tjosaas seconded by Gray to approve and authorize the 2006 Committee Assignments update as follows:

	COMMITTEE	FIRST MEMBER (S)	ALTERNATE (S)
26	Dodge/Steele Community Health Joint Powers Board	David Hanson Klaus Alberts Lyle Tjosaas	Don Gray

Motion adopted unanimously.

Commissioners provided their agency reports. Commissioner Hanson attended a Planning and Zoning meeting, a SEHRA Joint Powers meeting, a Southeast Water Resources meeting and a South Central Human Relations meeting. Commissioner Alberts attended an Extension meeting. Commissioner Gray attended a Planning meeting and a SCHRC meeting. Commissioner Erickson attended a Commissioners Organizational meeting, a Dodge County Planning and Zoning meeting, a DFO Corrections Joint Powers Board meeting and a presentation on County Board purchasing for SCHA. Commissioner Tjosaas attended a Planning and Zoning meeting, an EDA meeting, a South Country meeting and a Semcac meeting.

Agency Reports

Motion by Gray seconded by Tjosaas to adjourn the meeting at 12:25 p.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on January 24, 2006 at 9:30 a.m. CST.

Next Regular
Meeting

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

DAVID MCKNIGHT
CLERK

DATED: