

**TUESDAY, FEBRUARY 28, 2006**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2006-05**

The Dodge County Board of Commissioners met in regular session February 28, 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 9:32 a.m. CST.

Meeting Convened

The Chair acknowledged those present and established that there was a quorum:

Those Present

Members present: Lyle Tjosaas District #2  
David Erickson District #3  
Don Gray District #4  
David Hanson District #5  
Members absent: Klaus Alberts District #1  
Also present: David McKnight County Administrator  
Becky Lubahn Deputy County Clerk  
Paul Kiltinen County Attorney

Motion by Gray seconded by Tjosaas to approve and adopt the agenda as amended to set a County Board work session on Tuesday, March 14, 2006 after the Fairview Nursing Home Board meeting. *Motion adopted unanimously.*

Agenda Approved

Human Services Director Brian Hartung introduced Kelly Madsen who is a new Office Support Specialist in his office. The Board welcomed Ms. Madsen.

New Employee  
Introduction

County Engineer Guy Kohlhofer met with the Board to request authorization to award 2006 seasonal supply bids.

2006 Seasonal  
Supply Bids Awarded

Mr. Kohlhofer shared the following bid information with the Board:

Aggregate Material, CL. 2 (Crushed Rock)			
Supplier	Bid Amount		
	Mantorville	Concord	Rockdell
Milestone Materials		\$81,000.00	
Stussy Construction	\$89,250.00		\$61,500.00

Aggregate Material, FA-2 (Seal Coat Chips)	
Supplier	Bid Amount
Milestone Materials	\$18,648.00

Bituminous Mixture	
Supplier	Bid Amount
Rochester Sand and Gravel	\$28,000.00
Shammrock	\$24,260.00

Bituminous Material CRS-2	
Supplier	Bid Amount
Marathon Petroleum	\$51,385.00
Flint Hills	\$49,000.00

2006 Seasonal  
Supply Bids Awarded  
- Continued

Chloride		
Supplier	Bid Amount	
	Calcium Chloride	Magnesium Chloride
Univar	\$82,390.00	
Dustocoating		\$76,780.00

Pavement Markings	
Supplier	Bid Amount
AAA Striping	\$32,680.00
Traffic Marking	\$33,490.00

Motion by Gray seconded by Hanson to award 2006 seasonal supply bids to the following low bidders:

Supply	Bidder	Bid Amount
Aggregate Material, CL.2, Mantorville Quarry	Milestone Materials	\$81,000
Aggregate Material, CL.2, Concord Quarry	Stussy Construction	\$89,250
Aggregate Material, CL.2, Rockdell Quarry	Stussy Construction	\$61,500
Aggregate Material, FA-2	Milestone Materials	\$18,648
Bituminous Mixture	Shamrock	\$24,260
Bituminous Material CRS-2	Flint Hills	\$49,000
Calcium Chloride	Univar	\$82,390
Pavement Marking	AAA Striping	\$32,680

*Motion adopted unanimously.*

Mr. Kohnhofer reviewed with the Board his request to award SAP 20-634-09.

SAP 20-634-09  
Contract Awarded

The County Engineer reported that bids were opened on February 21, 2006 to construct Bridge No. 20556 and approach grading on CSAH 34 located 0.4 miles east of TH 57 in the City of Kasson. The following bids were received:

1. Minnowa Construction           \$558,206.50
2. Lunda Construction Co.       \$572,998.12
3. M&K Bridge Construction     \$600,095.00
4. Duinick Bros., Inc.           \$621,581.59

The Highway Department is recommending that the contract be awarded to Minnowa Construction for \$558,206.50. Staff is requesting change order and supplemental agreement authority up to 20% of the contract amount. Language regarding the supplemental agreement approval is being added at the State Auditor's request. It was noted that we have approved minor supplemental agreements in the past, however, the Auditor has indicated that it may be a problem to do so in the future.

Motion by Tjosaas seconded by Hanson to award the SAP 20-634-09 contract to Minnowa Construction to construct Bridge No. 20556 and approach grading on CSAH 34 located 0.4 miles east of TH 57 in the City of Kasson for \$558,206.50 with change order and supplemental agreement approval up to 10% of the contract amount. *Motion adopted unanimously.*

SAP 20-634-09  
Contract Awarded -  
Continued

Environmental Quality Director Mark Gamm and Septic System Coordinator/ Account Technician Sandra Schaefer discussed with the Board a revised Sewage Treatment Ordinance.

Dodge County  
Sewage and  
Wastewater  
Treatment Ordinance  
No. 3 Discussion

## **SUMMARY OF CHANGES**

### **DODGE COUNTY**

#### **SEWAGE AND WASTEWATER TREATMENT ORDINANCE NO.3**

##### **SECTION 1. INSPECTIONS FOR EXISTING SYSTEMS**

- 1.1. Only a qualified employee or authorized licensee or licensed Designer I or Inspector independent of the owner and the installer shall conduct an inspection when a compliance inspection is required for an existing Individual Sewage Treatment System (ISTS). A copy of the Certificate of Compliance or Notice of Non-Compliance resulting from a compliance inspection shall be provided to the property owner and the Department within 30 days of the inspection.
- 1.2. **Additional Requirements.** In addition to requirements set forth in MN Rule Chapter 7080 and MN Statute 115.55, Dodge County shall require a compliance inspection when any of the following occur:
  - A. **Prior To Adding Living Space to an Existing Dwelling** including 4-season porches but not including 3-season porches, decks, kennels, shops, garages, additions less than 120 square feet, or additions and other structures that do not provide year-round living space to a dwelling. Dwellings with a Certificate of Compliance less than 10 years old on file with the County are exempt. If a living space addition is requested between November 1 and April 30 the Department may authorize the Zoning Permit with the requirement that an Individual Sewage Treatment System Compliance Inspection be completed by the following June 1 and submitted to the Department within 30 days.
  - B. **Replacement Dwelling:** When replacing an existing dwelling. The size of the system must be in compliance with MPCA sizing requirements.
  - C. **Bedroom Addition:** When adding a bedroom to an existing dwelling. If a request is received between November 1 and April 30 the Department may issue a permit immediately with the requirement that an Individual Sewage Treatment System (ISTS) compliance inspection be completed by the following June 1 and submitted to the Department within 30 days.

- D. Complaint: When a written complaint is filed with the Department. Complaints must be submitted in writing and signed by the person making the complaint.

Dodge County  
Sewage and  
Wastewater  
Treatment Ordinance  
No. 3 Discussion -  
Continued

- E. **When a Discharge to the Road Right-of-Way is Observed During Construction Within the Road Right-of-Way.** All properties having a direct discharge to the road right-of-way will constitute an Imminent Threat to Public Health or Safety and will need to be upgraded within 10 months of the notification to the Department. The County or Township will not compensate landowners for required repair or replacement of septic systems that are failing or that are located in the road right-of-way.

- F. **Prior to the Sale or Transfer of Property.** A Compliance Inspection must be conducted prior to the sale or transfer of any property unless:

1. The tract of land is without buildings or contains dwellings or other buildings without plumbing fixtures or sewage treatment systems.
2. No Certificate of Real Estate Value is required, as per Minnesota Statutes, Chapter 272.115 and as amended from time to time.
3. The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through joint tenancy, of testamentary nature, trust document, or by foreclosure or cancellation of contract for deed.
4. The property is being refinanced by the owner.
5. The sale or transfer completes a contract for deed entered prior to the effective date of this Ordinance. This subsection only applies to the original vendor and vendee of such a contract.
6. The dwelling or other building is connected to a municipal wastewater treatment system or is connected to a shared community system with operating agreements and monitoring plans.
7. An existing Certificate of Compliance has been issued for the property within the last 10 years, and is on file in the Department.

**The Findings of the Compliance Inspection** and other relevant information must be disclosed at the time of sale or transfer of title or property on a "Sewage Disclosure Form" available at the Department. If the Sewage Disclosure Form reveals that the ISTS is failing, a Sewage Responsibility Form must be signed by the seller and the buyer prior to the sale or transfer of title of the property. The Sewage Disclosure Form and Sewage Responsibility Form must be filed with the County Recorder at the time of transfer of title or property.

Dodge County  
Sewage and  
Wastewater  
Treatment Ordinance  
No. 3 Discussion -  
Continued

**Alternative Process Due To Weather Conditions:** In those times of the year when the ground is frozen and a compliance inspection cannot be completed, the compliance inspection must be completed by the following June 1 and submitted to the Department within 30 days. A Sewage Responsibility Form must be completed and the seller or buyer must establish an escrow account to be used to inspect the septic system and to bring it into compliance if determined to be failing or non-compliant. The account shall be established in a financial institution mutually agreed upon and may be jointly controlled by seller and buyer. The amount to be deposited in the escrow account shall be determined by the Department. All costs associated with the repair or replacement of a failing or non-compliant system shall be the responsibility of the seller, or as otherwise provided for in written agreement between the seller and buyer. Dodge County must be named in the escrow document as the release agent. An alternative financial assurance method may be allowed under agreement with seller, buyer, and the Department. The County is not financially liable if escrow or substituted financial assurance is not adequate to repair a failing ISTS.

Commissioner Gray wanted to know if the number of people occupying a home was a factor.

Mr. Gamm stated that Sandy Schaefer has researched this question extensively and added language to the form to address this concern.

Commissioner Hanson discussed concerns he had with the gopher mound system and the tendency for these systems to freeze up.

Ms. Schaefer addressed the freezing concerns related to the mound system. The Septic System Coordinator reported that the freezing was not basically related specifically to the mound system as much as low snow cover.

Commissioner Gray informed the Board that he had a chance to talk to the Environmental Quality Director at great lengths and is satisfied with the revised Sewage Treatment Ordinance as proposed.

Commissioner Erickson stated that he thought the public hearing was informative and went well.

County Administrator David McKnight asked that the Board address the next item, the budget item, before acting on the revised Sewage Treatment Ordinance request.

The Board discussed with Mr. Gamm and Ms. Schaefer their requested budget adjustment of \$20,000 in general revenue for the Sewage Ordinance.

The estimated increase in cost for the implementation of Sewage and Wastewater Treatment Ordinance No. 3 is as follows:

2006 Budget  
Adjustment for  
Sewage and  
Wastewater  
Treatment Ordinance  
No. 3 Discussed

70% increase in labor to review 52 additional septic permits and inspect 52 new septic installations.	\$19,000
15% increase in labor to provide education, and technical assistance.	\$4,000
15% increase in labor to enforce ordinance, track compliance, and maintain records.	\$4,000
7% increase in printing, advertising, phone, office supplies, etc.	\$2,000
Subtract expected permit fees	(\$9,000.00)
Total additional general revenue required	\$20,000.00

The Environmental Quality Director noted that they do not plan to add any staff. They do plan to contract with licensed inspectors to provide 70% of all construction inspections. This will free up staff time to provide permit review, education, technical assistance, and ordinance enforcement.

Motion by Tjosaas seconded by Gray to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-11 in support of Dodge County Septic and Wastewater Ordinance No. 3:

Dodge County Septic  
and Wastewater  
Ordinance No. 3  
Approved by  
Resolution #2006-11

**WHEREAS**, the purpose of the existing Dodge County Sewage and Wastewater Treatment Ordinance is to protect surface water and ground water from contamination by human sewage and to protect public health and safety; and

**WHEREAS**, Dodge County estimates that over 40% of the existing septic systems are “failing” and that one-half of these systems may be posing an “Imminent Threat to Public Health and Safety” according to state code. Failing systems may be discharging 50 million gallons of partially treated and untreated wastewater per year; and

**WHEREAS**, the Dodge County Land Use Task Force has recommended that the county adopt policies and regulations to correct failing septic systems over time; and

**WHEREAS**, the County Board of Commissioners held a Public Hearing on Thursday, February 23, 2006, at the County Courthouse in Mantorville, beginning at 7:00 PM to hear comments on a revised Sewage and Wastewater Ordinance No. 3. Proposed new regulations will require a compliance inspection of a septic system prior to selling or transferring property, prior to adding livable square footage to an existing dwelling, and during road construction when sewage is observed in the road right-of-way.

**NOW THEREFORE BE IT RESOLVED**, that the County Board of Commissioner hereby rescinds Dodge County Sewage and Wastewater Treatment Ordinance No. 2 and adopts Sewage and Wastewater Treatment Ordinance No. 3, as presented at the public hearing, to be effective May 1, 2006.

*Resolution adopted unanimously.*

Dodge County  
Sewage and  
Wastewater  
Treatment Ordinance  
No. 3 Approved by  
Resolution #2006-11

Motion by Hanson seconded by Gray to approve and authorize a budget adjustment in the amount of \$20,000 from the Revenue Fund to the Environmental Quality Fund to be used for the implementation of Sewage and Wastewater Treatment Ordinance No. 3. *Motion adopted unanimously.*

Budget Adjustment  
Approved for Sewage  
& Wastewater  
Treatment Ordinance  
No. 3

Sheriff Gary Thompson reviewed with the Board his request for patrol car replacement.

Patrol Car  
Replacement  
Request Approved

Mr. Thompson reported that their 2006 capital outlay reflects \$63,000 for the replacement of three patrol cars. The Sheriff originally anticipated replacing three cars but has determined that he will only be replacing the following two cars this year:

Unit 3614 - 2000 Ford with 131,000 miles  
Unit 3619 - 2000 Ford with 147,000 miles

The Sheriff noted that Unit 3613 which was schedule to be replaced this year is still a serviceable car that will be used for another year. Mr. Thompson was concerned that they anticipate needing to replace six cars in 2007, and another four cars in 2008. This could change depending on how well the higher mileage cars hold up and how accurate the mileage projections are over the next few years. The thing that the Sheriff wants to avoid is having an overabundance of high mileage cars coming due for replacement in the next year or two and not being able to replace them.

Mr. Thompson proposed purchasing one Chevy Impala and one pickup similar to the ones we now have on the road. The pickup would be assigned to the training Sergeant who would get considerable use out of a pickup. The training Sergeant frequently uses a county pickup and on occasion has used his personal pickup for hauling targets, the Prism system, ammunition, and other training equipment/supplies.

Motion by Gray seconded by Tjosaas to approve and authorize the Sheriff's Department to purchase one 2006 Chevy Impala at a cost of \$17,577.50 and a 2006 Chevy Silverado 1500 Crew Cab pickup at a cost of \$24,202.20 off the state contract as discussed. *Motion adopted unanimously.*

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

Bills Approved

01	Revenue Fund	\$145,119.25
11	Human Services Fund	\$ 40.03
13	Road and Bridge Fund	\$ 13,391.04
16	Environmental Quality	\$ 14,248.08
	Total	\$172,798.40

It was noted that payment will be added for Michael Johanns in the amount of \$550.00 for a tactical sniper rifle. This amount will be taken from Sheriff's Department funds. Also added was a payment to Dell Computers in the amount of \$893.43 for computer equipment. This payment will be taken from the revenue fund. *Motion adopted unanimously.*

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

Personnel Actions Approved**A. Human Services**

- A.1 Zola Bennett – Social Services Case Aide  
Step increase from B22 step 4 \$14.51 to B22 step 3 \$14.98.  
Effective Date: 3/12/06
- A.2 Cindy Minnihan – Financial Worker  
Regular status.  
Effective Date: 2/26/06
- A.3 Gary Hodge – Veterans Services Officer/Emergency Management  
Annual review.  
Effective Date: 3/1/06
- A.4 Jodi Holmberg – Office Support Specialist  
Step increase from B21 step 3 \$14.04 to B21 step 2 \$14.50.  
Effective Date: 2/28/06

**B. Administration**

- B.1 Jean Allen – Account Technician  
Step increase from B23 step 2 \$15.90 to B23 step 1 \$17.02.  
Effective Date: 2/6/06

**C. Highway Department**

- C.1 Seasonal Highway Engineering Intern (2)  
Authorization to post and fill two positions not to exceed 6 months.  
Effective Date: 2/28/06
- C.2 Seasonal Highway Maintenance (4)  
Authorization to post and fill four positions not to exceed 6 months.  
Effective Date: 2/28/06

**D. Environmental Quality**

- D.1 Mary Greening – Secretary Clerk  
Authorization for temporary wage increase from \$10.83/hour (A13 – step 8) to \$13.14/hour (B23 – step 9) due to higher level responsibility in the absence of the Administrative Assistant - Planning.  
Effective Date: 2/28/06

- D.2 Temporary Secretary Clerk –  
 Authorization to use temporary employment service or on-call roster to fill Secretary Clerk duties as needed.  
 Effective Date: 3/6/06  
*Motion adopted unanimously.*

Personnel Actions  
Approved -  
Continued

County Administrator David McKnight discussed with the Board his request to approve a Letter of Engagement with Wold Architects.

Letter of  
Engagement with  
Wold Architects for  
Facilities Needs  
Study Approved

Mr. McKnight reported that as a part of the 2006 budget process the County Board included dollars to be spent on a Facilities Needs Study. This study will help the county determine its current and future space needs for county departments.

Dodge County has started this process and has been using Wold Architects to facilitate this work. Wold has worked with many counties in the state on these types of projects with much success. The County Administrator has worked with their firm at both Goodhue County and the City of Farmington and is very excited to have them on board with this project.

The Board reviewed with Mr. McKnight a letter from Wold with an estimated cost for their services for this project in the amount of \$27,000.

Motion by Hanson seconded by Gray to approve the letter of engagement with Wold Architects for their services associated with the Dodge County Facilities Needs Study in the estimated amount of \$27,000 as presented.  
*Motion adopted unanimously.*

Mr. McKnight reviewed with the Board a request to appoint Southeastern Minnesota Association of Regional Trails (SMART) representatives.

SMART  
Representative  
Appointments  
Discussion

SMART is formally seeking the Board's assistance for the appointment of individuals to its main committee. Over the past four years Dodge County has appointed official representatives to serve on the SMART committee. The benefits for having appointed members on the SMART committee provide for a voice in the continued efforts at linking existing and proposed trails within the region as well as to other trails in Iowa, Wisconsin, south central Minnesota and the Twin Cities metro area.

SMART continues to represent the eleven counties in Southeastern Minnesota to incorporate a trail system for alternative modes of transportation connecting trails locally, regionally and to neighboring states, thereby enhancing environmental, socioeconomic, and recreational benefits.

At this time SMART is asking the county board to re-appoint their current representatives, select new representatives or a combination of both. In any of these cases, one representative must be an elected official or public employee. Dodge Counties current members are:

Member 1: Dick Leonard  
 Member 2: Dan King  
 Alternate: Guy Kohlnhofer

The Board and County Administrator recalled that a replacement for Dan King had already been appointment but could not recall the individual's name. No action was taken at this time to allow the Deputy Clerk time to locate the name of the individual who was appointed to the SMART committee.

SMART  
Representative  
Appointments  
Discussion -  
Continued

The County Administrator discussed his request to set a work session for March 14, 2006. Motion by Tjosaas seconded by Gray to set a work session for Tuesday, March 14, 2006 after the Fairview Nursing Home Board meeting. *Motion adopted unanimously.*

Work Session Date  
Set

County Attorney Paul Kiltinen provided the Board with a legal update. The Board took the information under advisement.

Legal Update

The Board discussed the County Engineer's request to participate on a Federal Committee.

Federal Committee  
Appointment Request  
Discussed

The Transportation Research Board (TRB) and the Federal Highway Administration (FHWA) are examining the safety education and training needs of the highway workforce. The emphasis is road user safety, as opposed to occupational safety. The TRB and FHWA are looking for participation from local governments. State officers for the engineering association have asked that Guy Kohlnhofer look into being on this committee.

Participation on the committee would require approximately three out of state trips. Travel expenses are covered by the TRB and FHWA.

The County Administrator indicated that he would like to obtain more information from the County Engineer on this request. No action was taken at this time.

Motion by Hanson seconded by Tjosaas to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-12 in support of the appointment of Dodge County representatives to the SMART committee:

SMART  
Representative  
Appointments  
Approved by  
Resolution #2006-12

**WHEREAS**, the Southeastern Minnesota Association of Regional Trails' mission is to "envision a trail system for alternative modes of transportation connecting trails locally, regionally and to neighboring states, thereby enhancing environmental, socioeconomic, and recreational benefits in Southeastern Minnesota"; and

**WHEREAS**, the Southeastern Minnesota Association of Regional Trails is seeking nominations for two (2) voting members and one (1) alternate member per county; and

**WHEREAS**, one voting member must be a trails group representative; the second voting member must be an elected official or public employee; and the alternate must be a trails group representative, elected official, or public employee.

**NOW THEREFORE BE IT RESOLVED**, that the Dodge County Board of Commissioners name the following individuals to represent Dodge County for the Southeastern Minnesota Association of Regional Trails:

Dick Leonard	Member 1
Terry Sell	Member 2
Guy Kohlhofer	Alternate

SMART  
Representative  
Appointments  
Approved by  
Resolution #2006-12-  
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 Highway Department's request for a bridge funding resolution.

Bridge No. 20556  
Funding Approved by  
Resolution #2006-13

Motion by Gray seconded by Tjosaas to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-13 in support of bridge funding for Bridge No. 20556:

**WHEREAS**, Dodge County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge No. 20556; and

**WHEREAS**, the Commissioner of Transportation has given notice that funding for this bridge is available; and

**WHEREAS**, the amount of the grant has been determined to be \$ 460,500.00 by reason of the lowest responsible bid.

**NOW THEREFORE BE IT RESOLVED**, that Dodge County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, subdivision 5, clause (3), and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required.

*Resolution adopted unanimously.*

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

Administration  
Committee Report

Motion by Hanson seconded by Tjosaas to approve and authorize the February 14, 2006 Committee of the Whole meeting minutes as corrected on pages 1 and 4. *Motion adopted unanimously.*

02/14/06 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Hanson seconded by Tjosaas to approve and authorize the February 14, 2006 meeting minutes as corrected on pages 38 and 48. *Motion adopted unanimously.*

02/14/06 Meeting  
Minutes Approved

Commissioners provided their agency reports. Commissioner Hanson attended a Nursing Home meeting, a Water Planning meeting, and a Septic hearing. Commissioner Alberts was not available to report his meeting attendance. Commissioner Gray attended a Nursing Home meeting, an Employee Recognition Banquet and a Septic hearing. Commissioner Erickson attended a Fairview Nursing Home Board meeting, an Employee Recognition Banquet, a meeting with Ripley Dairy people, a DFO Advisory Board meeting, a conference call at Fairview with TSP, a Public Hearing on Septic Ordinance, a Dodge County Task Force-Corrections meeting and a Dodge County Fair Board meeting. Commissioner Tjosaas attended a Nursing Home meeting and a Septic hearing.

Agency Reports

Motion by Gray seconded by Hanson to adjourn the meeting at 11:03 a.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on March 14, 2006 at 9:30 a.m. CST.

Next Regular Meeting

**ATTEST:**

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DAVID ERICKSON  
CHAIR, COUNTY BOARD

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BECKY LUBAHN  
DEPUTY CLERK

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DATED: