

**TUESDAY, JUNE 27, 2006**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2006-13**

The Dodge County Board of Commissioners met in regular session June 27, 2006, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. David Erickson, Chair called the County Board of Commissioners meeting to order at 9:30 a.m. CDT.

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
	Becky Lubahn	Deputy County Clerk

Motion by Gray seconded by Alberts to approve and adopt the agenda as amended to remove the Legal Update agenda item. The County Attorney is unable to attend the meeting today. *Motion adopted unanimously.*

Agenda Approved

Public Health Director Peggy Espey introduced Karla Miller who is a new Case Aide in the Public Health Department. The Board welcomed Ms. Miller.

New Employee  
Introduced

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

Personnel Actions  
Approved

**A. Sheriff's Office**

A.1 Scott Rose – Deputy Sheriff

Annual review.

Effective Date: 5/28/06

A.2 Dawn Frieberg - 911 Dispatcher

Authorization to change status from on-call B22 step 11 \$12.23 to B22 step 1 \$14.06 .8 FTE to fill vacancy created by status change.

Effective Date: 6/28/06

A.3 911 Dispatcher – On-Call

Request authorization to post and fill vacancy created by status change.

Effective Date: 6/28/06

**B. Environmental Quality**

B.1 David Fitzgerald – Operator  
Recommend step increase from B22 step 3 \$16.05 to B22 step 2 \$16.54.

Effective Date: 6/1/06

*Motion adopted unanimously.*

Personnel Actions  
Approved -  
Continued

Ms. Hager presented for the Board's review a Telecommuting/Extended Workplace Policy. The proposed policy addresses telecommuting/extended workplace issues. Telecommuting is proposed on an extremely limited basis and each situation will need to be reviewed and approved on a case-by-case basis. Agreements under this policy, if approved, can be revoked at any time.

Telecommuting/  
Extended Workplace  
Policy Approved

The Employee Relations Director noted that currently there is one employee that she will be proposing this policy be used for. There are no plans for agreements with other staff members at this time. If this policy is approved, Ms. Hager will return to the County Board with a proposed agreement for this employee.

Motion by Tjosaas seconded by Hanson to approve and authorize the Telecommuting/Extended Workplace Policy to address the many unique situations presented by allowing staff to work off site. *Motion adopted, Tjosaas, Hanson, Gray, Erickson aye; Alberts nay.*

Human Services Child/Family Services Supervisor Nancy Reuvers introduced Pam Boyd who is a new Social Worker in the Human Services Department. The Board welcomed Ms. Boyd.

New Employee  
Introduced

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 a Group Residential Housing Agreement with Marlene Wirth, for adult foster care services, at the rate of \$23.44/day, for the term of 05-01-06 to 06-30-06. *Motion adopted unanimously.*

Group Residential  
Housing Agreement  
with Marlene Wirth  
Approved

Motion by Tjosaas seconded by Hanson to approve the following Group Residential Housing Agreements, for adult foster care services, at the rate of \$24.23/day, for the term of 07-01-06 to 06-30-07:

Group Residential  
Housing Agreements  
Approved

- 1.21 Catherine Baudion
- 1.22 Cenneidigh, Inc.
- 1.23 Stephanie Chicos
- 1.24 Circle Drive Manor
- 1.25 ELM Care, Inc.
- 1.26 Field Crest Assisted Living
- 1.27 Janie Hill
- 1.28 Lois & Duane Klocke
- 1.29 MSOCS
- 1.210 Comfort Home Health Care
- 1.211 REM Woodvale
- 1.212 Lyle & Mavis Wulf
- 1.213 Marlene Wirth

*Motion adopted unanimously.*

Motion by Tjosaas seconded by Hanson to approve a Food Stamp Participation Grant with the MN DHS, wherein Dodge County Human Services will receive a total amount of \$10,000 for state fiscal years 2007 and 2008 (\$5,000 for each year), for activities aimed at increasing food stamp participation. *Motion adopted unanimously.*

Food Stamp  
Participation Grant  
Approved

Motion by Tjosaas seconded by Hanson to approve an agreement with Quest Diagnostics Incorporated, for the services of substance abuse testing on urine, oral fluid, and/or hair specimens, at the rate specified by the provider in the agreement, for an unlimited term. *Motion adopted unanimously.*

Agreement with  
Quest Diagnostics  
Incorporated  
Approved

County Engineer Guy Kohlhofer met with the Board to discuss his request to award the contract for SAP 20-599-093.

SAP 20-599-093 Bid  
Project Awarded

Mr. Kohlhofer reported that bids were opened on June 14, 2006 to construct Bridge No. 20J25 and approach grading on 265th Avenue located 0.5 miles north of CSAH 22. Following is the single bid received:

- 1. Swenke Construction                      \$152,248

Multiple contractors received bid packets but did not bid for unknown reasons. The bid received from Swenke Construction was only slightly over our engineers estimate and well under the 10% window of concern.

This bid is for a triple line of box culverts on a Milton Township road.

Motion by Gray seconded by Alberts to award the contract to construct Bridge No. 20J25 (SAP 20-599-093) and approach grading on 265th Avenue located 0.5 miles north of CSAH 22 to Swenke Construction in the amount of \$152,248 with the County Engineer authorized to approve change orders and supplemental agreements up to 10% of the contract amount. *Motion adopted unanimously.*

Commissioner Alberts asked for an update on the County Road 16 project. Mr. Kohlnhofer discussed some issues they have encountered with the gravel.

County Road 16 Update

Motion by Alberts seconded by Hanson to close the meeting to the public at 10:06 a.m. CDT to discuss attorney/client privilege on MTM v. Dodge County Tax Court Case.

Meeting Closed to the Public

Those present included all five County Commissioners, County Administrator David McKnight, County Assessor Wendell Engelstad and Attorney Ken Moen.

The meeting was opened to the public at 11:10 a.m. CDT.

Meeting Opened to the Public

The Board discussed with the County Administrator possible action related to tax court cases. Motion by Alberts seconded by Tjosaas to return the property taxes and penalty paid by MTM as a result of the initial tax court decision in the estimated amount of \$360,000, with the exact amount to be determined by the Finance Director and legal counsel, until a final determination is made on the tax court cases. The County Board's reason for doing this is to move this entire process along. *Motion adopted unanimously.*

Property Tax & Penalty Return to MTM Approved

Comptroller Lisa Kramer reviewed bills with the Board. Motion by Hanson 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	\$111,166.43
11	Human Services Fund	\$ 7,491.16
13	Road and Bridge Fund	\$242,448.68
16	Environmental Quality	<u>\$ 11,018.61</u>
	Total	\$372,124.88

*Motion adopted unanimously.*

Planning Director Duane Johnson met with the Board to discuss a request from Garwin McNeilus to adopt a resolution supporting Community Based Wind Energy (CBED) Projects.

Garwin McNeilus LLC CBED Projects Approved by Resolution #2006-21

The state requires large electric power companies to purchase a certain amount of electricity from Community Based Energy Development. Only small Minnesota based electricity generators, like McNeilus Wind LLC, can qualify to sell CBED electricity. When qualified, the CBED owner may receive a higher than normal payment for electricity generated in the first ten years of the twenty year contract with the larger power company. Therefore, it can be beneficial to obtain CBED status. In order to sell CBED electricity, the County Board must pass a resolution in support of future CBED projects in the county.

Motion by Gray seconded by Hanson to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-21 supporting future CBED projects by McNeilus Wind LLC:

Garwin McNeilus  
LLC CBED Projects  
Approved by  
Resolution #2006-21  
- Continued

**WHEREAS**, Minn. Stat. Section 216B.1612 was enacted in 2005 to encourage the development and operation of community-based wind energy (CBED) projects owned by local owners; and

**WHEREAS**, CBED projects must be owned by qualifying owners, meaning either a Minnesota resident, a limited liability company whose members are Minnesota residents; a Minnesota nonprofit organization; certain Minnesota local governments; or certain cooperatives or tribal councils; and

**WHEREAS**, CBED projects consisting of only one or two turbines must ensure that the qualifying owners receive at least 51 percent of the total financial benefits of the project measured over the project life; and

**WHEREAS**, G. McNeilus Wind, LLC, a wind developer located in Dodge Center, is developing a wind energy project comprised of six to eight Minnesota limited liability companies, each of which will own one or two turbines, and each of which will be owned by Minnesota and Dodge County residents or Minnesota nonprofit corporations (collectively the "Projects"). The individual or nonprofit owners of each company will receive at least 51 percent of the total financial benefits of their respective projects, therefore keeping the benefits local; and

**WHEREAS**, the Projects may enter into a power purchase agreement with Southern Minnesota Municipal Power Agency or another purchaser for a term of at least 20 years; and

**WHEREAS**, Minn. Stat., Section 216B.1612, subd., 2(f)(3) requires that the Projects receive a resolution of support from the County Board of the county in which the Projects are located in order to qualify as CBED projects; and

**WHEREAS**, each of the Projects will be locally-owned and operated and will utilize local services and materials in their construction and operation, and otherwise contribute to economic development within Dodge County.

**THEREFORE, BE IT RESOLVED**, that the Dodge County Board of Commissioners supports the development, construction and operation of the small wind projects to be located in Dodge County and to be owned by the Projects pursuant to Minn. Stat. Section 216B.1612, and related laws and agreements.

*Resolution adopted unanimously.*

Commissioner Alberts presented a summary of the Public Health Committee report and action items.

Public Health  
Committee Report

Commissioner Alberts reported that on June 13, 2006 information was presented and discussed with the Public Health Focus Committee and a written summary was provided for the County Board regarding a chemical free event “Battle of the Bands.” This event is scheduled to take place at the Dodge County Fair this year on July 15<sup>th</sup>, 7:30 p.m. – 11:30 p.m. Dodge County Chemical Health Coalition with the support of the Fair Board will be hosting this event. A system has been put in place for interested bands to apply to play. Four to five bands will be selected to play on July 15<sup>th</sup>. Each band selected will receive a stipend of \$100 and will be competing for a grand prize of three hours of recording time, one hour of mix time and a master CD from Woodshed Recording Studio in Rochester. This dance is for persons under 21 years of age. The bands must be chemical-free and tobacco-free for the entire evening and will perform music appropriate for general audiences for 30-45 minutes. This event will be funded through the Public Health Mentoring Grant. A band contract has been reviewed and approved by the County Attorney. This contract will be utilized with each of the bands selected to perform on the July 15<sup>th</sup>.

Battle of the Bands  
Contract Approved

Motion by Alberts seconded by Gray to approve and authorize the use of the Battle of the Bands contract as presented and discussed. *Motion adopted unanimously.*

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

Administration  
Committee Report

Motion by Gray seconded by Tjosaas to approve and authorize the June 13, 2006 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

06/13/06 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Tjosaas seconded by Hanson to approve and authorize the June 13, 2006 meeting minutes as presented. *Motion adopted unanimously.*

06/13/06 Meeting  
Minutes Approved

Motion by Alberts seconded by Gray to approve and authorize the June 13, 2006 Board of Appeal and Equalization meeting minutes as presented. *Motion adopted unanimously.*

06/10/06 Board of  
Appeal &  
Equalization Meeting  
Minutes Approved

The Dodge County Mechanical & Agricultural Society is requesting a 3.2 Malt Liquor License effective July 1, 2006 through December 31, 2006. They will be using the license for the Dodge County Fair, Big Iron Truck Show, and a concert. These events will be held at the Dodge County Fair Grounds, located in Kasson, MN 55944.

3.2 Malt Liquor  
License Approved for  
Dodge County Fair

Motion by Gray seconded by Alberts to approve the 3.2 Malt liquor license for the Dodge County Mechanical & Agricultural Society effective July 1, 2006 through December 31, 2006 pending the approval of the County Attorney and County Sheriff, license payment and the submission of all required insurance documentation. *Motion adopted unanimously.*

The Board discussed the reappointment of the County Coroner. Dodge County Coroner Barry Dibble has served as Dodge County coroner for a number of years and has expressed his interest in continuing in this position.

County Coroner Appointment Approved

The County Administrator discussed with Mr. Dibble state statute requirements for the appointment of county coroners and a number of other issues related to this appointment.

Motion by Hanson seconded by Tjosaas to reappoint Barry Dibble as the County Coroner effective June 27, 2006 through June 26, 2010. *Motion adopted unanimously.*

Commissioners provided their agency reports. Commissioner Hanson attended an Equalization meeting, a Planning and Zoning Task Force meeting, a Nursing Home meeting and a meeting with MTM. Commissioner Alberts attended a Corrections meeting, a Nursing Home meeting and an Extension meeting. Commissioner Gray attended a Cedar River Flood Reduction meeting. Commissioner Erickson attended a Southeast MN Toward Zero Deaths Workshop, drove by the Mueske properties as review for Board of Equalization meeting, attended a Upper Cedar River Flood Reduction Committee meeting, a Fairview Nursing Home meeting, a Continuation meeting of the Board of Equalization, a MTM tax discussion meeting, a Dodge County Township Officers Annual Banquet and a Dodge County Corrections Task Force meeting. Commissioner Tjosaas attended a Nursing Home meeting and a Township Banquet.

Agency Reports

Motion by Gray seconded by Tjosaas to adjourn the meeting at 11:45 a.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on July 11, 2006 at 9:30 a.m. CDT.

Next Regular Meeting

**ATTEST:**

\_\_\_\_\_  
DAVID ERICKSON  
CHAIR, COUNTY BOARD

\_\_\_\_\_  
BECKY LUBAHN  
DEPUTY CLERK

\_\_\_\_\_  
DATED: