

TUESDAY, JULY 11, 2006

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-14

The Dodge County Board of Commissioners met in regular session July 11, 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
	Paul Kiltinen	County Attorney

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

Agenda Approved

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. Administration

A.1 Tim O'Connor – Custodian
Step increase from A13 step 2 \$12.94 to A13 step 1 \$13.32.
Effective Date: 6/2/06

B. Recorder's Office

B.1 Jessica Fiscus – Deputy Recorder
Step increase from B22 step 7 \$13.19 to B22 step 6 \$13.61.
Effective Date: 7/13/06

C. Public Health

- C.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 1/2007.

Iva Kietzmann – PHN II

Increase FTE from .60 to .65

Deborah Harlow – PHN I

Increase FTE from .75 to .80

Teresa Prond – PHN I

Increase FTE from .75 to .80

Sara Marquardt – Account Technician

Increase FTE from .80 to .85

Effective Date: 7/1/06

D. Human Services

- D.1 Sandy Gilbertson – Child Support Officer

Regular status in new position.

Effective Date: 7/17/06

- D.2 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 1/2007

Karen Smith – Case Aide

Decrease FTE from .85 to .80

Effective Date: 7/1/06

E. Sheriff's Department

- E.1 Chris Purdue – 911 Dispatcher – On-Call

Authorization to employ at B22 step 11 \$12.23 to fill approved vacancy.

Effective Date: 07/22/06

- E.2 Kyle Arndt - 911 Dispatcher – On-Call

Authorization to employ at B22 step 11 \$12.23 to fill approved vacancy.

Effective Date: 07/22/06

Motion adopted unanimously.

Ms. Hager shared with the Board a Telecommuting/Extended Workplace Agreement. The Employee Relations Director recommended approval of the agreement with Korina Osborn for the following reasons:

- 1) Shortage of office space.
- 2) A position conducive to this type of arrangement.
- 3) A staff person with years of experience that lives approximately one hour from Courthouse.
- 4) The need for an experienced person to fill this position.

Motion by Hanson seconded by Tjosaas to approve and authorize the County Administrator to sign the Telecommuting/Extended Workplace Agreement with Korina Osborn as presented. *Motion adopted unanimously.*

Personnel Actions

Approved -

Continued

Telecommuting/

Extended Workplace

Agreement Approved

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

01	Revenue Fund	\$ 76,852.97
11	Human Services Fund	\$ 29.00
13	Road and Bridge Fund	\$ 18,635.07
16	Environmental Quality	\$ 11,316.68
30	County Building Fund	\$ 13,726.10
37	Debt Fund-Courthouse Improvement	\$ 3,950.00
65	General Obligation Solid Waste Rev Bonds	\$ 2,967.50
	Total	\$127,477.32

Motion adopted unanimously.

County Auditor/Treasurer Janet Tripp met with the Board to discuss the designation of depositories.

2006/2007 Dodge
County Depositories
Approved

Motion by Gray seconded by Tjosaas to approve and authorize the following banks as depositories for Dodge County for 2006 and 2007:

Kasson State Bank, Kasson
Wells Fargo Bank, Dodge Center
Citizens State Bank, Hayfield
Farmers State Bank, West Concord
Pine Island Bank, Pine Island
Eastwood Bank, Kasson

All banks have pledged collateral and completed the certification which is on file. *Motion adopted unanimously.*

West Concord City Clerk Scott Umsted reviewed with the Board his request to waive the 30 day comment period on a Tax Increment Financing District. The City of West Concord will be considering the adoption of the Tax Increment Financing Plan (the "Plan") for Tax Increment Financing District No. 1-1 (the "District"), an economic development tax increment financing district. An economic development district has a maximum life of eight years to tax increment (or a shorter period as determined by the City Council). The proposed tax increment financing is to facilitate the construction of a grain storage facility. The District is located within Development District No. 1.

City of West Concord
TIF District 30-Day
Comment Period
Waived by
Resolution #2006-22

The Minnesota Tax Increment Financing Act at Minnesota Statutes, Section 469.175, Subdivision 2 and 4, requires that prior to the holding of a public hearing on the adoption or modification of a tax increment financing plan, the City must provide an opportunity to the members of the affected county and school boards to review the fiscal and economic implications of the proposed modified or new tax increment financing plan 30 days from the transmittal of the fiscal implications or until the county or school board have presented written comment on the proposal, whichever is less. Due to the need to start construction as soon as possible, the city would like to shorten this time frame. The City of West Concord is requesting that the Dodge County Board of Commissioners waive the 30-day notification requirement for this district by resolution.

City of West Concord
TIF District 30-Day
Comment Period
Waived by
Resolution #2006-22
- Continued

Motion by Gray seconded by Alberts to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-22 waiving the thirty-day notification period on Tax Increment Financing Districts in the City of West Concord:

WHEREAS, the City Council of the City of West Concord (the “City”) is considering the establishment of Tax Increment Financing District No. 1-1 (the “TIF District”); and

WHEREAS, Minnesota Statutes, Section 469.175, Subd. 2 requires that the County Board be provided notice of the establishment of the TIF District, a copy of the proposed tax increment financing plan (“TIF Plan”) and the estimate of fiscal and economic implications of the proposed establishment of District No. 1-1 at least thirty days before the public hearing required by Minnesota Statutes, Section 469.175, Subd. 3; and

WHEREAS, the County Board of Commissioners for Dodge County has received a copy of the proposed TIF Plan, including estimates of the fiscal and economic implications of the TIF District to be established by the City; and

WHEREAS, the City has requested a waiver of the County Board's thirty-day comment period provided by Minnesota Statutes, Section 469.175, Subd. 2; and

WHEREAS, the County Board desires to waive the thirty-day notification requirement in order to expedite the City's establishment of the TIF District; and

WHEREAS, the County Board has reviewed the TIF Plan and the fiscal impacts of the TIF District.

NOW, THEREFORE BE IT RESOLVED, by the County Board of Dodge County as follows:

1. The County Board agrees to waive the 30-day comment period on the TIF Plan by providing a comment on the TIF Plan, as provided by Minnesota Statutes, Section 459.175, Subd. 2.

Resolution adopted unanimously.

City of West Concord
TIF District 30-Day
Comment Period
Waived by
Resolution #2006-22
- Continued

Allen Iverson of the Bluffland Whitetails Association discussed with the Board concerns regarding the shining of whitetail deer. Mr. Iverson stated that he is a Canisteo Township resident and has been working on this issue for over three years. Mr. Iverson requested that the Board make spot light shining of whitetail deer illegal and explained the associations work on this issue with the Minnesota Department of Natural Resources and the legislature. Mr. Iverson further explained the problems for Dodge County residents and how making this illegal can remedy this issue.

Shining of Whitetail
Deer Discussion

Commissioner Erickson wanted to know what Mr. Iverson was looking for from the enforcement standpoint.

County Attorney Paul Kiltinen commented that Dodge County would need to create an ordinance if the request was approved and that the association would need to work with the Sheriff's Office who would be in charge of dealing with violators.

Commissioner Erickson wanted to know if Mr. Iverson had approached the Sheriff's Office.

Commissioner Tjosaas stated that he feels the Sheriff and County Attorney need to be involved in the process and that there is a need for input from both.

It was the consensus of the Board that Mr. Iverson needs to work with the Sheriff on this issue and then come back to the Board for approval if the Sheriff is in favor of making spot light shining of whitetail deer illegal in Dodge County.

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

Legal Update

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 Sheriff requested authorization to send Deputy Anderson and Deputy Newbloom to a two-day training at Camp Dodge in Des Moines, Iowa. The Board reviewed the course details. Motion by Hanson seconded by Tjosaas to approve and authorize Deputy Ryer Anderson and Deputy Adam Newbloom to attend a two-day Identity Theft Awareness and Investigation training session at Camp Dodge in Des Moines, Iowa as presented. There is no tuition for this training and meals and lodging are provided at no cost. *Motion adopted unanimously.*

Sheriff's Office Out-of-State Training Request Approved

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

Administration Committee Report

Motion by Gray seconded by Alberts to approve and authorize the June 27, 2006 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

06/27/06 Committee of the Whole Meeting Minutes Approved

Motion by Tjosaas seconded by Hanson to approve and authorize the June 27, 2006 meeting minutes as presented. *Motion adopted unanimously.*

06/27/06 Meeting Minutes Approved

The Dodge County SnowSeekers snowmobile club is requesting the signature of the County Board Chairman on the annual grant maintenance applications. The signature establishes the county as a 2006/2007 sponsor for the Dodge County SnowSeekers.

SnowSeekers Snowmobile Club Sponsorship Approved by Resolution #2006-23

The Finance Director requests approval to sign the grant expense reports for the Dodge County SnowSeekers for expenses relating to the 2006/2007 winter season.

Motion by Tjosaas seconded by Hanson to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-23 in support of the Dodge County SnowSeekers Snowmobile Club Sponsorship:

WHEREAS, Dodge County has two snowmobile clubs that maintain the county snowmobile trails; and

WHEREAS, these snowmobile clubs need the county to act as sponsor to receive their reimbursements from the State Department of Natural Resources; and

WHEREAS, the Finance Director needs County Board approval to sign the grant agreements and expense reports.

THEREFORE BE IT RESOLVED, that the County Board approves the county sponsorship of the Dodge County SnowSeekers Snowmobile Club and gives approval to the County Finance Director to sign the related reports. *Resolution adopted unanimously.*

The Minnesota Department of Natural Resources is requesting the County Board review the map of snowmobile trails within Dodge County and provide a signature approving the map.

Dodge County
Snowmobile Map
Approved

Motion by Alberts seconded by Tjosaas to approve and authorize the Chairman of the Board to sign the Dodge County snowmobile trails maps as presented. *Motion adopted unanimously.*

The KM Snowdrifters snowmobile club is requesting the signature of the County Board Chairman on the annual grant maintenance applications. The signature establishes the county as a 2006/2007 sponsor for the KM Snowdrifters.

KM Snowdrifters
Snowmobile Club
Sponsorship
Approved by
Resolution #2006-24

The Finance Director requests approval to sign the grant expense reports for the KM Snowdrifters for expenses relating to the 2006/2007 winter season.

Motion by Tjosaas seconded by Alberts to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-24 in support of the KM Snowdrifters Snowmobile Club Sponsorship:

WHEREAS, Dodge County has two snowmobile clubs that maintain the county snowmobile trails; and

WHEREAS, these snowmobile clubs need the county to act as sponsor to receive their reimbursements from the State Department of Natural Resources; and

WHEREAS, the Finance Director needs County Board approval to sign the grant agreements and expense reports.

THEREFORE BE IT RESOLVED, that the County Board approves the county sponsorship of the KM Snowdrifters Snowmobile Club and gives approval to the County Finance Director to sign the related reports.

Resolution adopted unanimously.

Planning Director Duane Johnson met with the Board to discuss Planning Commission Recommendations from the July 5, 2006 meeting. The Board discussed CUP #06-22. Applicant Katie Snow and Wasioja Township Officer Steve Gray were available to comment. Mr. Gray informed the Board that issues regarding this request were addressed at the Wasioja Township meeting last night. Motion by Hanson seconded by Gray to approve the following action of the Planning and Zoning Commission as reviewed on July 5, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #06-22
Approved

Jason & Katie Snow - CUP #06-22

Request for a Conditional Use Permit to establish a non-farm dwelling in the Ag District. The property is three acres located in the NE ¼ of the SE ¼ of Section 25 of Wasioja Township. Jason and Katie Snow are the applicants and Gerald Snow is the 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. Driveway access and permits if required be obtained from the Wasioja Township.
4. Well must be installed at least 50 feet from property line.
5. Wasioja Township's favorable recommendation.

Motion adopted unanimously.

Motion by Gray seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on July 5, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Karyl & Barbara Kennedy- CUP #06-23

Request for a Conditional Use Permit to establish a non-farm dwelling in the Ag District. The property is 35 acres located in the NE ¼ of the SE ¼ of Section 23 of Milton Township. Karyl and Barbara Kennedy are the applicants and the property owners.

On July 6, 2006, the Environmental Quality staff observed a sinkhole located near the west property line. The sinkhole is approximately 30 feet wide with an estimated depth at about 10 feet. The sinkhole is filled with debris that is estimated to be between 20 and 40 years old. The debris is mainly rusted metal cans, fencing, appliances, oil filters, and scrap metal. Household glass and plastic are also evident.

Environmental Quality's recommendation:

In its existing condition, the debris may not present a high risk of contamination to groundwater or surface water. However, they could not observe all the waste in the sinkhole. Sinkholes in general increase risk of contamination because they often provide a direct pathway for surface water to enter groundwater. Therefore Environmental Quality recommends that the debris be removed from the sinkhole and after county inspection be filled or bermed to limit surface water from entering the sinkhole.

Charlie Sinwell representing the Kennedy's was present to answer questions on the property.

Commissioner Gray stated that he would like to see some type of soil filter placed in the bottom of the sink hole once it has been cleaned out. Mr. Gray suggested contacting Mark Knable at the Soil and Water Conservation office in Dodge Center to determine what material may be used to create a soil filter in the bottom of the sink hole.

Planning
Commission
Recommendation
CUP #06-22
Approved -
Continued

Planning
Commission
Recommendation
CUP #06-23
Approved

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. Driveway access and permits if required be obtained from Milton Township.
4. Submit an Erosion Control Plan per Dodge County Ordinance Section 1617.
5. County EQ/Planning Staff is notified at least 48 hours prior to beginning any excavation for the house or septic system so that the staff can review the excavation for sinkholes and sinkhole susceptibility.
6. Waste and debris from the sinkhole must be removed and, after inspection by Dodge County, the sinkhole should be filled or bermed to limit surface water from entering it. Soil and Water Conservation District will determine what material may be needed in the bottom of the sinkhole. This activity that must be completed before or during construction of dwelling.

Motion adopted unanimously.

Motion by Hanson seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on July 5, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Bradley and Rebecca Aarsvold - V#06-02

Request for a variance of the ¼ mile setback from two (2) feedlots to allow a zoning amendment from Urban Expansion to Urban Expansion Residential. The two feedlots are owned by Royce Naylor and Rodney Thompson. The Naylor feedlot needs to provide a 700 foot variance; the Thompson feedlot needs to provide a 940 foot variance. Both feedlots are in the Urban Expansion District, where future city growth is planned. The Urban Expansion District does not allow any new or expanded feedlots and the county may grant this type of variance by ordinance to allow for residential development. The property in need of the variance is 25.5 acres located in the S ¼ of the NE ¼ of Section 32 of Wasioja Township. Bradley and Rebecca Aarsvold are the applicants and David and Clara Aarsvold are the property owners.

The Planning Commission recommends approval of a variance from the Rodney Thompson feedlot of 940 feet and of the Royce Naylor feedlot of 700 feet for reasons stated in the findings of fact and recommendations for variance. This information is found in the July Planning Commission agenda packet.

Motion adopted unanimously.

Planning
Commission
Recommendation
CUP #06-23
Approved -
Continued

Planning
Commission
Recommendation
V #06-02 Approved

Motion by Hanson seconded by Gray to approve the following action of the Planning and Zoning Commission as reviewed on July 5, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
ZA #06-01 Approved

Bradley and Rebecca Aarsvold - ZA#06-01

Request for a zoning amendment from Urban Expansion to Urban Expansion Residential. The property is 25.5 acres located in the S ½ of the NE ¼ of Section 32 of Wasioja Township. Bradley and Rebecca Aarsvold are the applicants and David and Clara Aarsvold are the property owners.

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. Driveway access and permits be obtained from the County Highway Department.
4. No additional home can be built on this property unless it meets the requirements for Subdividing in the Urban Expansion Residential District.

Motion adopted unanimously.

Motion by Alberts seconded by Tjosaas to approve the following action of the Planning and Zoning Commission as reviewed on July 5, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #06-24
Approved

Jay and Mary Pat Anderson - CUP #06-24

Request for a Conditional Use Permit to establish a Home Occupation business for Golf Cart and Lawn Mower Sales and Service. The three acres are located in SE ¼ of the NE ¼ of Section 19 of Hayfield Township. Jay and Mary Pat Anderson are the applicants and property owners.

The Planning Commission recommends approval with the following conditions:

1. The Home Occupation Agreement is signed and recorded with the CUP.
2. The permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings used for the home occupation.
3. Ag Covenant be signed and recorded.

Motion adopted unanimously.

Mr. McKnight provided the Board with a County Administrator update.

County Administrator
Update

Commissioners provided their agency reports. Commissioner Hanson attended a SEAAA meeting, a Planning and Zoning meeting, a Southeast Water Joint Powers meeting and a Fair Board meeting. Commissioner Alberts attended a Planning meeting, a Board of Equalization meeting and a Fair Board picnic. Commissioner Gray did not have any meetings to report. Commissioner Erickson attended a DFO Advisory Board meeting, a Dodge County Pre Fair Picnic, and a SCHA Joint Powers Board meeting. Commissioner Tjosaas attended a Board of Equalization meeting, a Planning and Zoning meeting and a Fair Board picnic.

Agency Reports

Commissioner Gray had a number of questions under correspondence that he asked for additional information on.

Correspondence Discussed

The Finstuen conditional use permit concerns were discussed with Planning Director Duane Johnson. It was reported that dead hogs were being burnt rather than composted. Composting was approved in the conditional use permit, not burning.

Finstuen Conditional Use Permit Concerns Discussion

It was the commissioner's belief that in order for Mr. Finstuen to be in compliance with his conditional use permit request that he needs to go by the conditions that the Board laid out in the conditional use permit.

The County Administrator reported that a letter will be sent to Mr. Finstuen today.

County Attorney Paul Kiltinen was available to provide his legal opinion on the issue.

Theresa Benda wanted to know how someone can operate without a permit and not be fined.

Duane Johnson commented that if they were set up to issue and levy fines they would be doing it on a regular basis.

Ms. Benda asked for clarification on what Mr. Finstuen needs to do with the dead animals in the next 30 days.

Dale Allen voiced his opinion that the composting building has to be up and going and that Mr. Finstuen needs to be composting his dead hogs by July 29, 2006.

Mr. McKnight wanted to know who determines if a conditional use permit is being violated.

The Planning Director indicated that he determines if a conditional use permit has been violated.

Ms. Benda again wanted to know what is being done with the dead hogs.

Mr. Johnson reported that the hogs will continue to be burnt and that Mr. Finstuen is disposing of the dead hogs.

Finstuen Conditional
Use Permit Concerns
Discussion -
Continued

A comment was made that this issue would not be addressed as a public hearing. Ms. Benda wanted to know why the issue is not being discussed at a public hearing?

The Planning Director stated that Mr. Finstuen needs to go back to the Planning and Zoning Board if he plans to change his disposal preference.

It was the consensus of the Board that Mr. Finstuen has until July 29, 2006 to complete the composting building.

Motion by Gray seconded by Alberts to adjourn the meeting at 12:01 p.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on July 25, 2006 at 9:30 a.m. CDT.

Next Regular
Meeting

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: