

**TUESDAY, JULY 25, 2006**

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

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

**COUNTY ADMINISTRATION OFFICE  
MANTORVILLE, MN**

**2006-15**

The Dodge County Board of Commissioners met in regular session July 25, 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
	David Hanson	District #5
Members absent:	Don Gray	District #4
Also present:	David McKnight	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Alberts seconded by Hanson to approve and adopt the agenda as amended to allow James Gilbert to talk to the Board about the MTM v. Dodge County tax court case at 10:30 a.m. *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 Becky Lubahn – Executive Assistant  
Step increase from B31 step 2 \$17.18 to B31 step 1 \$17.55.  
Effective Date: 7/10/06
- A.2 Rose Culbertson – Account Technician  
Step increase from B23 step 6 \$14.65 to B23 step 5 \$14.97.  
Effective Date: 7/14/06

**B. Highway Department**

- B.1 Jessica Brennan – Administrative Assistant  
Step increase from B22 step 6 \$13.61 to B22 step 5 \$14.05.  
Effective Date: 6/23/06

**C. Environmental Quality**

- C.1 Rob Naatz – Sorter/Processor  
Step increase from A11 step 3 \$13.44 to A11 step 2 \$13.84.  
Effective Date: 7/1/06
- C.2 La'Tova McGuire – Secretary/Clerk – Temporary  
End of temporary employment.  
Effective Date: 7/14/06

**D. Public Health**

D.1 Kelly Fennell – Public Health Nurse - .6 FTE  
Authorization to employ at C42 step 8 \$17.65 (+ \$3 R/R) to fill approved vacancy.  
Effective Date: 7/31/06

D.2 Dawn Devine – Health Educator - .5 FTE  
Authorization to employ at C41 step 5 \$18.79 to fill approved vacancy.  
Effective Date: 8/02/06

**E. Sheriff’s Office**

E.1 Deputy Sheriff – FT  
Authorization to post and fill vacancy created by 12 month minimum leave of absence.  
Effective Date: 7/25/06

*Motion adopted unanimously.*

Personnel Actions  
Approved -  
Continued

Ms. Hager shared with the Board an updated Transportation Employees Drug and Alcohol Policy. The Employee Relations Director stated that this policy was drafted by Minnesota Counties Insurance Trust (MCIT) and recommended for adoption by the counties MCIT serves. This policy is an update to the policy Dodge County currently has in place, last revised in 2000. The proposed policy updates much of the language and incorporates language to address changes in Commercial Motor Vehicle license requirements. The employees covered under this policy will be required to read the updated policy and sign the acknowledgement. This includes all employees required by their position with the county to have a CMV license (Transfer Station and Highway Department staff).

Updated  
Transportation Drug  
and Alcohol Policy  
Approved

Motion by Tjosaas seconded by Alberts to approve and authorize the updated Transportation Employees Drug and Alcohol Policy as presented. *Motion adopted unanimously.*

Finance Director Tom Olney reviewed bills with the Board. Motion by Hanson seconded by Alberts to approve the bills as discussed in the following amounts from the appropriate funds as determined by Finance:

01	Revenue Fund	\$294,003.37
11	Human Services Fund	\$ 167.81
13	Road and Bridge Fund	\$ 80,829.24
16	Environmental Quality	\$ 44,645.31
80	Agency Fund	\$ 60.00
	Total	\$419,705.73

Bills Approved

*Motion adopted unanimously.*

County Administrator David McKnight provided the Board with a 2006 second quarter financial report.

2006 Second Quarter  
Financial Report

Mr. McKnight informed the Board that County Assessor Wendell Engelstad has recently obtained the Senior Accredited Minnesota Assessor (SAMA) certification through the Minnesota Department of Revenue. There was a tremendous amount of work and study to do in the 18 months since Mr. Engelstad was appointed probationary assessor for Dodge County.

County Assessor  
Appointment  
Approved

The County Administrator stated now that Mr. Engelstad has obtained the SAMA licensure the County Board needs to take action to appoint Mr. Engelstad as the County Assessor for the remainder of the current appointment period of county assessors which runs through December 31, 2008.

Motion by Alberts seconded by Tjosaas to appoint Wendell Engelstad as the Dodge County Assessor through December 31, 2008. *Motion adopted unanimously.*

The Board commended Mr. Engelstad on his achievement of obtaining his Senior Accredited Minnesota Assessor certification in a short amount of time.

County Administrator David McKnight provided the Board with an update on the request to repair the West Concord Legion wall. Mr. McKnight informed the Board that he will work with Jason Andreen of Kane and Johnson Architects to obtain quotes to repair the holes left in the West Concord Legion wall related to the demolition of the old West Concord hotel.

County Administrator  
Update

Environmental Quality Director Mark Gamm and Assistant Feedlot Officer/Zoning Administrator Ken Folie met with the Board to discuss his request for approval of grant agreements to support their work to improve feedlots.

Sub-Recipient  
Agreements with SE  
Water Resources  
Board Approved

Mr. Gamm reported that Dodge County's current agreement with Southeast Minnesota Water Resources Board pays us up to \$30,333 for expenses we incur through June 2008 to provide design assistance to small feedlots who are improving their operations. Brian Hanson (Soil and Water Conservation District Technician) and Ken Folie are leading this effort for Dodge County.

The Environmental Quality Director informed the Board that two new grants have become available to support their work with the feedlots. The first is a grant from the SE Water Resources Board and the second is a grant from the Hiawatha Valley RC & D.

The SE Water Resources Board has obtained a grant that will increase Dodge County's current funding by \$10,777 (increasing the total available fund from \$30,333 to \$41,110 for expenses incurred through June 2008). With this supplemental funding they expect to help about 40 feedlots meet their regulatory requirements under their Open Lot Agreements. Brian Hanson and Ken Folie will continue to lead this effort.

Motion by Hanson seconded by Tjosaas to approve and authorize the Chairman of the Board to sign a sub-recipient agreement with the Southeast Minnesota Water Resources Board as presented and discussed. *Motion adopted unanimously*

*Sub-Recipient Agreement with SE Water Resources Board Approved - Continued*

Mr. Gamm reported that Hiawatha Valley RC & D has obtained funding to provide “cost-share incentives for small feedlot fixes.” The Environmental Quality Directory noted that up to \$10,000 is available to Dodge County which allows them to provide cost-share grants to feedlot operators in amounts up to \$1,000 per feedlot. Mr. Hanson and Mr. Folie will offer these grants as a part of their work with feedlot operators.

*Sub-Recipient Agreement with Hiawatha Valley RC & D Approved*

Motion by Alberts seconded by Hanson to approve and authorize the Chairman of the Board to sign a sub-recipient agreement with Hiawatha Valley Resource Conservation and Development as presented and discussed. *Motion adopted unanimously*

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

*Legal Update*

County Engineer Guy Kohlhofer discussed with the Board a Motor Vehicle Sales Tax Constitutional Amendment request.

*Motor Vehicle Sales Tax Constitutional Amendment Approved by Resolution #2006-25*

Mr. Kohlhofer shared with the Board a proposed resolution for County Board approval supporting the passage of an amendment to the Minnesota Constitution dedicating all of the motor vehicle sales tax revenue to transportation with at least 40% of the revenue for public transit assistance and not more than 60% of the revenue for highway purposes.

As of this date, 54% of the motor vehicle sales tax revenue is dedicated to transportation purposes. On November 7, 2006, Minnesota voters will have the opportunity to dedicate the remaining 46% of the motor vehicle sales tax revenue currently used for other purposes, to also be dedicated to the transportation system in Minnesota.

The estimated impact to Dodge County when fully phased in is an additional \$337,000 per year.

Motion by Alberts seconded by Tjosaas to approve and authorize the Chairman of the Board and Deputy Clerk to sign resolution #2006-25 supporting the passage of the proposed amendment to the Minnesota Constitution dedicating all of the motor vehicle sales tax revenue to transportation in the November 7, 2006 election.

**WHEREAS**, Minnesota’s transportation infrastructure forms the backbone of the state’s economy and has a direct impact on future economic development; and

**WHEREAS**, many Minnesotans are being killed in traffic crashes on dangerous roadways; and

**WHEREAS**, funding for highway and transit systems in Minnesota has remained stagnant and is failing to keep pace with growing population and growing demands; and

*Motor Vehicle Sales  
Tax Constitutional  
Amendment  
Approved by  
Resolution #2006-25  
- Continued*

**WHEREAS**, local governments throughout the state are struggling to maintain local transportation systems while the state's gas tax has not been increased since 1988 and transit budgets have been cut in recent years; and

**WHEREAS**, the Minnesota Legislature has repeatedly turned to revenue from the motor vehicle sales tax, which has been viewed as user fee revenue, in order to fund both highway and transit systems including the current dedication of 54% of motor vehicle sales tax for transportation purposes; and

**WHEREAS**, the legislature passed a proposed constitutional amendment during the 2005 Legislative Session that would appear on the ballot November 7, 2006 asking voters if the remaining 46% of motor vehicle sales tax revenue currently used for other purposes should be used for highways and transit systems; and

**WHEREAS**, passage of the amendment would mean an increase in stable revenue for highway and transit systems throughout the state that would rise to approximately \$300 million per year once the transfer of revenue is fully phased-in by 2011.

**NOW THEREFORE BE IT RESOLVED**, that Dodge County supports passage of the proposed amendment to the Minnesota Constitution dedicating all of the motor vehicle sales tax revenue to transportation. *Resolution adopted unanimously, Gray absent.*

The County Engineer provided the Board with an update on Dodge County Highway Department projects.

*Highway Department  
Projects Update*

James Gilbert, an attorney representing McNeilus Truck and Manufacturing, approached the Board and informed them that his client wants to discuss settlement. Mr. Gilbert briefly discussed details from a mediation meeting that was held. Mr. Gilbert and McNeilus Truck and Manufacturing believe the proposed settlement is a fair settlement.

*McNeilus Companies  
Settlement Offer  
Discussed*

Ken Moen representing Dodge County asked for clarification on the draft settlement.

Motion by Alberts seconded by Tjosaas to close the meeting to the public at 10:32 a.m. CDT pursuant to Minnesota Statute to discuss the MTM v. Dodge County tax court cases. Legal Counsel Ken Moen was present along with four County Commissioners, the County Attorney, County Assessor, Finance Director and County Administrator. *Motion adopted unanimously.*

*Closed Session*

The meeting was opened to the public at 11:47 a.m. CDT.

*Meeting Opened to  
the Public*

The Chairman of the Board stated that they have discussed at great length the MTM v. Dodge County tax court case.

MTM Settlement Offer Rejected

Commissioner Hanson noted that the Board has had considerable discussion on the MTM case over the last three years. After discussion with legal counsel and staff and the fact that one of the County Board members is not available today, Commissioner Hanson motioned to reject the current offer, in addition the county continues to be open to settlement offers, negotiations or mediation as agreed upon by the parties. The motion was seconded by Commissioner Alberts. *Motion adopted unanimously.*

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 Sue Westin; for GRH services; in the amount of \$24.23 per day; for the term of July 1, 2006 to June 30, 2007. *Motion adopted unanimously.*

Group Residential Housing Agreement Approved

Motion by Tjosaas seconded by Hanson to accept a donation from the Claremont Area Chamber of Commerce on behalf of the Claremont Legion Post in the amount of \$1,000.00 for the purchase of the Veteran Services van. *Motion adopted unanimously.*

Donation Towards Veteran Services Van Approved

Motion by Tjosaas seconded by Hanson to approve the Equal Opportunity/Affirmative Action Plan for Human Services for the period July 2006 to 2008. *Motion adopted unanimously.*

Equal Opportunity/Affirmative Action Plan for Human Services Approved

Commissioner Hanson presented a summary of the Public Safety Committee report and action items.

Public Safety Committee Report

The Board reviewed a request from the Sheriff to approve out-of-state training for Investigator Jeremy Gunderson to training in Camp Dodge, Iowa. This training session was approved earlier in the year but was cancelled at the last minute due to conflicts with the instructor's schedule. Motion by Hanson seconded by Tjosaas to approve and authorize Investigator Jeremy Gunderson to attend Undercover Techniques and Survival Training at Camp Dodge, Iowa July 24-28, 2006. There is no tuition fee. Lodging and meals will be provided. The only cost will be transportation to Des Moines, Iowa. *Motion adopted unanimously.*

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

Motion by Hanson seconded by Tjosaas to approve and authorize the Sheriff's Office to accept a donation from the United Way of Dodge County in the amount of \$1,500 for the DARE program. The donation will be included in the Sheriff's Office DARE budget line item. *Motion adopted unanimously.*

DARE Donation Accepted

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

Public Health Committee Report

Mr. Alberts informed the Board that a check for \$249.10 has been received by Public Health as a donation to the Public Health Nest Program. A letter from Pastor Ronald Jensen, Pastor of St. John's Lutheran Church, Kasson was provided for the Board's review. It was noted that Dodge County Public Health greatly appreciates all donations by the community members and organizations. Motion by Alberts seconded by Hanson to approve and authorize the Public Health Department to accept a donation in the amount of \$249.10 from St. John's Lutheran Church in Kasson for the Public Health Nest Program. *Motion adopted unanimously.*

Public Health Nest  
Program Donation  
Accepted

The Board discussed a request to set the 2006 flu shot fee. Public Health has reviewed the 2005 flu clinic program activities and fees and completed a cost analysis. Motion by Alberts seconded by Tjosaas to set the 2006 flu shot fee at \$22.00. *Motion adopted unanimously.*

2006 Flu Shot Fee  
Set

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

Public Works  
Committee Report

Mr. Alberts reported that the old Claremont Creamery has five abandoned wells on its property. The Environmental Quality Department has been aware of these wells for some time and is interested in sealing them due to their large size and proximity to the public. In the process of developing the property north of the creamery building, and in cooperation with the Minnesota Department of Health and Dodge County, Dean Schutte originally planned to seal the wells with his own funding. However, one of the wells proved very difficult and expensive to seal. Mr. Schutte has incurred costs over \$50,000 in his effort to seal the wells and is now seeking some monetary aid.

Well Sealing  
Environmental Grant  
Application Approved

Motion by Alberts seconded by Hanson to approve and authorize the Chairman of the Board and County Administrator to sign a Grant Agreement with Dean Schutte to aid in well sealing. *Motion adopted unanimously.*

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

Administration  
Committee Report

Motion by Tjosaas seconded by Hanson to approve and authorize the July 11, 2006 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

07/11/06 Committee  
of the Whole Meeting  
Minutes Approved

Motion by Alberts seconded by Tjosaas to approve and authorize the July 11, 2006 meeting minutes as presented. *Motion adopted unanimously.*

07/11/06 Meeting  
Minutes Approved

Commissioners provided their agency reports. Commissioner Hanson attended a South Central Human Relations Joint Powers meeting, a Nursing Home meeting, a Fair Board meeting and a Mediation meeting. Commissioner Alberts attended a Nursing Home meeting and DFO interviews. Commissioner Gray was not available to report his meeting attendance. Commissioner Erickson attended a Fairview Nursing Home meeting. Commissioner Tjosaas attended a Nursing Home meeting and a meeting with MTM.

Agency Reports

Commissioner reviewed correspondence that was received with board packet information.

Correspondence Reviewed

Commissioners briefly discussed a letter sent to Mark Finstuen and a letter sent to Teresa Benda.

The Board briefly discussed a letter from Peters & Peters regarding the Ripley Dairy issue.

Teresa Benda informed commissioners that there is no building being built on the Finstuen property.

Commissioner Erickson informed Ms. Benda that they have been told that Mr. Finstuen will be in compliance.

Ms. Benda wanted the record to show that there is no composting building on the Finstuen property as of this morning.

Motion by Alberts seconded by Hanson to adjourn the meeting at 12:24 p.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

The next regular meeting of the Dodge County Board of Commissioners will be held on August 8, 2006 at 9:30 a.m. CDT.

Next Regular Meeting

**ATTEST:**

---

DAVID ERICKSON  
CHAIR, COUNTY BOARD

---

BECKY LUBAHN  
DEPUTY CLERK

---

DATED: