

TUESDAY, OCTOBER 10, 2006

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-20

The Dodge County Board of Commissioners met in regular session October 10, 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 Tjosaas to approve and adopt the agenda as presented. *Motion adopted unanimously.*

Agenda Approved

The County Attorney arrived to the meeting at 9:31 a.m. CDT.

County Attorney
Arrived

Employee Relations Director 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. Human Services

- A.1 Bobbie Rud – Social Worker
Step increase from C42 step 7 \$18.31 to C42 step 6 \$19.00.
Effective Date: 10/16/06
- A.2 Office Support Specialist – PT – Temporary
Authorization to use temporary employment service or on-call roster to fill Secretary Clerk duties as needed.
Effective Date: 10/10/06
- A.3 Case Aide – 1.0 FTE
Authorization to post and fill position created by SCHA program.
Effective Date: 10/10/06
- A.4 Information System Specialist – 1.0 FTE
Authorization to post and fill position.
Effective Date: 10/10/06

B. Public Health

- B.1 Family Support Worker – On-Call – 2 positions
 Authorization to post and fill grant funded position (funded through 12/31/07).
 Effective Date: 10/10/06

Personnel Actions
Approved -
Continued

C. County Attorney

- C.1 Janet Mahle Hinds – Paralegal/Assistant County Attorney
 Step increase from B31/C43 step 4 \$16.38/\$23.50 to B31/C43 step 3 \$16.77/\$24.09.
 Effective Date: 9/16/06
- C.2 Janice Hawkins - Paralegal
 Approve Separation Agreement.
 Effective Date: 10/10/06

D. Records Office

- D.1 Jessica Fiscus – Deputy Recorder
 Authorization to reduce FTE from 1.0 to .90.
 Effective Date: 10/2/06

Motion adopted unanimously.

Ms. Hager along with 2006 Insurance Committee members Jamie Finne and Gary Albers discussed with the Board the proposed 2007 Dental Plan and Cafeteria Plan contribution.

2007 Dental Plan and
Cafeteria Plan
Contribution
Discussion

It was noted that in coming up with a recommendation for the Board the committee took into consideration the 2.5% increase in health premiums and reviewed the current dental carries' premiums for 2007. The 2006 Insurance Committee recommends the following 2007 cafeteria plan contributions:

1. Switch from Assurant Dental to Humana Dental as of January 1, 2007.
2. Increase the County Contribution to \$525 for single (\$25 increase) and \$975 for family (\$50 increase).

2006 Committee Members include the following employees:

- Rick Eggert
- Jamie Finne
- Ginger Knight
- Gary Albers
- Lisa Kramer
- Galen Heinle
- Al Faulhaber
- Zola Bennett
- Sue Alberts

Commissioner Erickson commented that the Board appreciates the time and effort the Insurance Committee puts into bringing them a cafeteria plan contribution recommendation each year. No action was taken at this time.

County Administrator David McKnight discussed with the Board a request to appoint election judges for the General Election and Post Election Review. The County Administrator stated that Dodge County needs to have a number of election judges available to work the county portion of election night once the polls close in all of the precincts. In addition this year counties are required to perform a Post Election Review hand count of two precincts for the offices of U.S. Senator, U.S. Representative and Governor. This process requires that properly trained election judges perform this task.

Election Judges
Appointed for
General Election and
Post Election Review

Motion by Gray seconded by Alberts to appoint the following individuals as election judges for the General Election and for the Post Election Review:

David McKnight
Becky Lubahn
Wendy Aarsvold
Lisa Kramer
Rose Culbertson
Jean Allen
Wendy Iverson
Sharon Narveson

Motion adopted unanimously.

County Engineer Guy Kohlhofer met with the Board to set a date for the annual county road tour. Mr. Kohlhofer noted that construction is wrapping up and it is time to tour the county roads. The annual road tour gives the Board the opportunity to reacquaint themselves with roads in Dodge County that they may not travel often. This is also a time to review roads that have recently been worked on or roads that will be worked on in the near future.

Annual Road Tour
Date Set

Motion by Tjosaas seconded by Hanson to set the annual road tour date for Friday, November 17, 2006 at 8:30 a.m. at the Highway Department in Dodge Center, Minnesota. *Motion adopted unanimously.*

Environmental Quality Director Mark Gamm discussed with the Board a request to set fees for mapping services. The Environmental Quality Director reported that in their department, they create maps for land use studies and permit review. Because they have unique data and mapping abilities they often get requests to create maps that have commercial value. These requests often come from consultants, realtors, developers and sometimes private individuals. The Environmental Quality Department is proposing a fee for these mappings services.

Fees for Mapping
Services Approved

Suggested fees are as follows:

Fees for Mapping
Services Approved -
Continued

Maps:

1. Copies of Existing Maps: refer to county copy policy
2. Custom Maps (8.5"x11" or 11"x17"):
 - Charge based on time it takes to create map or multiple maps:
 - A. Minimum charge: \$15 (first 15 minutes of time)
 - B. Each additional 15 minutes of creation time: \$10

Examples: One map taking 12 minutes to create will cost \$15
 One map taking 20 minutes to create will cost \$25
 One map taking 25 minutes to create will cost \$25
 One map taking 40 minutes to create will cost \$35

Miscellaneous Charges:

1. E-mail file: No charge
2. Mail CD: \$4/CD
3. Mail Maps: \$2/package
4. Charge or billing service: \$5 per transaction. (No charge if paid at courthouse.)

Motion by Gray seconded by Alberts to approve and authorize the Fees for Mapping Services by Dodge County Environmental Quality/Planning Department as presented and effective October 11, 2006. *Motion adopted unanimously.*

The Tipping Fee Amendment Public Hearing for was opened to the public at 10:01 a.m. CDT by the Chair.

Tipping Fee
Amendment Public
Hearing

Environmental Quality Director Mark Gamm provided the Board with a summary of the proposed Waste Management Tipping Fee increases effective January 1, 2007.

1. The tipping fee is paid by customers who unload waste at the Dodge County Transfer Station. The fee is based on the weight of the waste.
2. Customers include private individuals, businesses, and licensed waste collectors ("haulers"). Licensed haulers bring about 85% of the total waste delivered to the Transfer Station.
3. Licensed haulers pay a license fee in addition to the tipping fee. The current license fee is 0.7 cents per pound of waste collected (\$14/ton). This fee covers certain fixed costs in the county's operation.
4. The typical household generates about 2,000 pounds (1 ton) of waste per year.

5. Proposed changes:

Tipping Fee

Amendment Public Hearing - Continued

Customer	Existing Tipping Fee	Proposed Tipping Fee	Net Difference
Private individuals and businesses hauling their own waste	4.979 cents per pound (\$99.58/ton)	6.265 cents per pound (\$125.30/ton)	+1.286 cents per pound of waste (\$25.72/ton) <i>May result in a \$2 per month increase to a typical household.</i>
Licensed waste haulers	3.18 cents per pound (\$63.60/ton)	3.619 cents per pound (\$72.38/ton)	+0.439 cents per pound of waste (\$8.78/ton) <i>May result in a \$0.73 per month increase to a typical household.</i>

6. Fees for self-hauling customers are higher than fees for licensed haulers because private haulers require more operating time per pound of waste. *(Licensed haulers unload large amounts at one time and therefore less operating time is needed per pound of waste.)*

7. The primary reasons for the tip fee increase are:

- A. Less waste is being delivered to the Transfer Station. We believe that this is due to Olmsted County’s strict enforcement of hauler contracts.
- B. Our new Joint Powers Agreement eliminated the provision that Olmsted hauls Dodge County’s waste from the Transfer Station. We now haul our own waste.
- C. The “processing credit” of \$5/ton was eliminated by the State of Minnesota.
- D. Inflationary factors along with the above stated reasons have caused an operating budget deficit.

Commissioner Erickson wanted to know if the haulers have been contacted about the proposed rate increase and if so what their comments were.

Mr. Gamm reported that the haulers have been notified regarding the proposed tipping fee amendment and that only one individual has contacted him and wanted to know what percentage the increase represented. The Environmental Quality Director stated that the increase is 13.8% for licensed haulers and 25.8% for private haulers.

The Environmental Quality Director informed the Board that they use a formula to calculate the amounts charged to private and licensed haulers. Motion by Tjosaas seconded by Hanson to close the public hearing at 10:15 a.m. CDT. *Motion adopted unanimously.*

Tipping Fee Amendment Public Hearing - Continued

Motion by Alberts seconded by Hanson to approve and authorize the Chair and Deputy Clerk to sign resolution #2006-29 in support of a tip fee amendment:

Tip Fee Amendment
Approved by
Resolution #2006-29

WHEREAS, Section 5 of the Dodge County Solid Waste Designation Ordinance authorizes the Dodge County Board of Commissioners to amend the tip fee for waste received at the Transfer Station and ancillary facilities; and

WHEREAS, the notice of intent to raise the tipping fee was duly published on September 20, 2006; and

WHEREAS, an official public hearing was held on October 10, 2006, 10:00 AM in the County Commissioners Meeting Room, Dodge County Courthouse, Mantorville, MN.

NOW THEREFORE, BE IT RESOLVED, that the amended tipping fee for licensed haulers will be \$0.03619/lb and the tipping fee for public drop-off will be \$0.06265/lb. When loads are impractical to weigh, volume-based fees will be charged.

BE IT THEREFORE FURTHER RESOLVED, that these fees will be effective January 1, 2007.

Resolution adopted unanimously.

Emergency Services Director Gary Hodge met with the Board to review his request to accept an Emergency Management Performance Grant. Mr. Hodge informed the Board that Dodge County has been awarded a Federal Fiscal Year 2006 Emergency Management Performance Grant (EMPG) contract in the amount of \$10,874.00.

2006 Emergency
Management
Performance Grant
Contract Approved

Motion by Gray seconded by Tjosaas to approve and authorize the Chair to sign the Minnesota Grant Contract for a 2006 Emergency Management Performance Grant contract in the amount of \$10,874.00. *Motion adopted unanimously.*

Comptroller Lisa Kramer 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:

Bills Approved

01	Revenue Fund	\$ 38,504.52
11	Human Services Fund	\$ 378.78
13	Road and Bridge Fund	\$ 56,149.58
16	Environmental Quality	\$ 11,992.56
	Total	\$107,025.44

A payment of \$19.99 to Gary Albers on page 10 was pulled for clarification on a clothing reimbursement amount. *Motion adopted unanimously.*

County Attorney Paul Kiltinen provided the Board with a legal update. Mr. Kiltinen reported that there have been no changes in the MTM cases that are currently pending.

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

Motion by Tjosaas seconded by Hanson to accept a County Veterans Service Officer Operational Improvement Grant from the State of Minnesota, Department of Veterans Affairs, in the amount of \$2,800.00, to be effective October 10, 2006. *Motion adopted unanimously.*

County Veterans
Service Officer
Operational
Improvement Grant
Approved

Motion by Tjosaas seconded by Hanson to enter into a contract with the Minnesota Department of Human Services, Community Partnerships Division (STATE), for Dodge County Human Services (DCHS) to provide the services of outreach, advocacy, and assistance for those people potentially eligible for Supplemental Security Income (SSI); the STATE will pay DCHS for all services as outlined in the contract; to be effective on the date the STATE obtains all required signatures under Minnesota Statutes and to remain in effect until December 31, 2007. *Motion adopted unanimously.*

Contract with MN
Department of
Human Services
Approved

The Board acknowledged that Minnesota, for the fifth year, has qualified for a Food Support Program performance bonus for having a negative error rate of 0.59%, the third lowest negative error rate in the nation. Much of the credit for this achievement goes to the county financial unit staff who administers the MFIP and FS Programs. Minnesota will receive \$2,500,737 and Dodge County's share is \$7,854.59. The Board commended Human Services for their work.

Human Services
Staff Recognized

Carla Blahnik from the Minnesota State Auditor's Office provided the Board with a 2005 audit summary. Ms. Blahnik noted that the Auditors have decided to change their exit meetings to a more open meeting allowing for more questions and public attendance. This is the first year the State Auditors have decided to meet with County Boards at their regular public meetings. Finance Director Tom Olney available to comment.

2005 Audit Summary

The Board thanked Ms. Blahnik for her update on the 2005 audit.

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 accept a snowmobile grant and purchase a used snowmobile. Last year the Sheriff's Office was awarded a two year snowmobile enforcement grant in the amount of \$6,666.00. The grant allowed expenditures of \$3,333.00 for FY 06 and \$3,333.00 for FY 07. Earlier this year one of the snowmobiles (the 1998 Arctic Cat 340 Jag) was involved in a crash and needs to be replaced. The Sheriff has done some research and has come up with some snowmobiles that would fall into an affordable price range within their grant budget. The Sheriff's Office currently has a credit in the amount of \$1,731.88. When combined with their FY 07 grant monies they have \$5,064.88 available for the upcoming season.

Sheriff's Office
Snowmobile
Purchase Approved

The Sheriff believes he can find a good used snowmobile in the \$3,000.00 price range which would leave them with approximately \$2,000.00 to be used for salaries, maintenance and other related expenses.

Motion by Hanson seconded by Tjosaas to approve and authorize the Sheriff's Office to accept the snowmobile grant and purchase a snowmobile with the snowmobile enforcement grant funds as requested. *Motion adopted unanimously.*

The Board discussed the Sheriff's Office computer license request. Last year it was brought to the Sheriff's attention that his office had been operating several computers in their office without paying the one-time license fees required per computer. The Sheriff's Office originally purchased licenses for about six to seven computers, including dispatch, but over the years as work stations and the MCT's were added, no additional fees were paid. The Sheriff's Office was not aware of this and has since negotiated with Computer Information Systems Inc. who has agreed to reduce the delinquent fees from \$48,000 to \$25,000 and allow the Sheriff's Office to spread this payment out over three years. The first installment of \$8,333 is due now. The county's share should be somewhere in the neighborhood of \$4,000-\$5,000. The remainder will be reimbursed to the county by the Cities of Kasson and West Concord. Kasson's share of the license fee is \$1,200 and West Concord's share is \$2,000.

Computer License
Fee Payment
Approved

Motion by Hanson seconded by Tjosaas to approve and authorize the Sheriff's Office to pay the first of three installments of \$8,333 to Computer Information Systems Inc. for delinquent one-time license fees for their computers with the understanding that the Cities of Kasson and West Concord will reimburse the county the appropriate fees for the computers they utilize. *Motion adopted unanimously.*

County Administrator David McKnight presented for the Board's consideration a County Fair Board loan request.

Co-Signature on
Loan for Dodge
County Fair Board
Approved

The Dodge County Fair Board is in the process of finding a new race track promoter for the Dodge County Speedway starting 2007. S&S Promotions is in the process of selling the concession (food and beer) stand equipment and the PA system. The Fair Board feels it would be beneficial for the Dodge County Fair to own this equipment. The Fair Board can purchase the equipment for approximately \$15,000. Kasson State Bank is interested in loaning the Dodge County Fair Board the money, but would like the backing of the County Commissioners by co-signing the note.

Motion by Alberts seconded by Gray to approve and authorize the Chair or County Administrator to co-sign a note with the Kasson State Bank for the Dodge County Fair Board for up to \$15,000 for concession stand equipment and a PA system. The Board requested that they be provided with a list of the equipment that was purchased. *Motion adopted unanimously.*

Agent Charlie Sinwell was present to speak to the Board regarding the July 11, 2006 County Board minutes. At this meeting the Board discussed a conditional use permit for Karyl and Barbara Kennedy for their property located in Milton Township. The minutes of the meeting state:

Kennedy CUP
#06-23 Amendment
Request Approved

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.

Mr. Sinwell requested that the minutes of that meeting be changed because they have documentation from Yaggy Colby stating that it was their opinion that "this was a man made excavation made many years ago and not a sinkhole resulting from a collapse of the limestone formation."

Mr. Sinwell informed the Board that the buyers of this property are asking for a correction to the July 6, 2006 minutes.

The County Administrator noted that the minutes are the official record of the meetings held and that it would not be appropriate to change the minutes.

County Attorney Paul Kiltinen commented on CUP #06-23 recommendation number six. Mr. Kiltinen stated that based on information from Yaggy Colby the property does not have a sink hole. The County Attorney suggested that the applicant record another conditional use permit that states in condition six that waste and debris be removed from the property and that a sink hole does not exist on the property based on information from Yaggy Colby.

Kennedy CUP
#06-23 Amendment
Request Approved -
Continued

Motion by Hanson seconded by Gray to direct Planning and Zoning staff to refile the Karyl & Barbara Kennedy conditional use permit #06-23 to address Planning Commission condition six to include the following language: “waste and debris removed and there does not appear to be a sink hole based on Yaggy Colby correspondence, a copy of which is attached.” *Motion adopted, Alberts, Hanson, Gray, Erickson aye, Tjosaas abstained.*

Planning Director Duane Johnson met with the Board to discuss Planning Commission Recommendations from the October 4, 2006 meeting. The Board discussed ZA #06-03. Motion by Gray seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on October 4, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation ZA
#06-03 Approved

Brian and Pam Wilson – ZA #06-03

The first public hearing is for a request for a Zoning Amendment to rezone an Urban Expansion District to Urban Expansion Residential. The property is 10 acres located in NW ¼ of the NE ¼ of the NE ¼ Section 1 of Milton Township. Brian and Pam Wilson are the applicants and 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 Gray seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on October 4, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commission
Recommendation
CUP #06-31
Approved

Roger and Karen Crews - CUP #06-31

The second public hearing is for a request for a conditional Use Permit to establish a non-farm dwelling in the Ag District. The property is 4.46 acres located in NE ¼ of the NE ¼ of Section 11 in Westfield Township. Roger and Karen Crews are the applicants and 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.

Motion adopted unanimously.

Planning
Commission
Recommendation
CUP #06-31
Approved -
Continued

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

Planning
Commission
Recommendation
CUP #06-32
Approved

Rodney French – CUP #06-32

The third public hearing is for a request for a Conditional Use Permit to establish a Home Occupation business in an Ag District. The property is 3.67 acres located in NE ¼ of the NW ¼ of the NE ¼ Section 20 of Ashland Township. Rodney French is the applicant and Rodney and Elaine French are the 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 outside.
3. Ag Covenant be signed and recorded.

Motion adopted unanimously.

The Planning Director discussed the following Planning and Zoning recommendation:

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion

Mark Finstuen – CUP #03-03

The fourth public hearing is for a request for a Conditional Use Permit amendment to condition #8 of feedlot Advisory Report of Animal Carcass disposal. The property is 135 acres located in the NE ¼ of the NE ¼ of Section 7 of Milton Township. Mark Finstuen is the applicant and the property owner.

The Planning Commission recommends approval with the following conditions:

1. Amended current language of condition #8, Conditions of the Feedlot Advisory Report from the approved County Board minutes, 6/24/03 from: (“~~A separate compost shed shall be provided for dead animal disposal.~~”) to: Handling Dead Animals in accordance with State Requirements. Including: Minn. Stat § 35.82 and Minn. R. chs.1719.4600 and 7011.1215.
2. Addition of exhibit 3 in the Dodge County Planning Commission Agenda, 10/04/06: Animal Mortality Plan.

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion -
Continued

Mr. Johnson informed the Board that the original permit required an on-site compost facility. The Planning Director was informed early in 2006 that the applicant wanted to amend the conditional use permit to dispose of dead animals through incineration instead of composting.

The Planning Director discussed with the Board the two conditions recommended by the Planning Commission and noted that the requested change broadens the ability to dispose of dead animals.

Commissioner Alberts wanted to know who Mr. Finstuen got permission from to use the burner?

Mr. Johnson stated that Mr. Finstuen was sent a letter earlier in the year which told him not to pursue an incinerator on-site because of the lack of information on the system. Another letter was sent in June informing Mark Finstuen that he was not in compliance with the composting shed. The Planning Director noted that the site does currently have a composting facility on it and that Mr. Finstuen was available to comment.

Mr. Finstuen reported that he put up a compost shed which is smaller than what was proposed in the EAW. He was concerned with constructing a shed that was too big when it is unclear what the outcome of the case against the feedlot will be.

Commissioner Gray wanted to know if the present shed fits the description of a compost shed.

The Planning Director stated that the shed does fit the description of a compost shed. It has a clay base and is a covered shed.

Commissioner Hanson commented that there are a number of things that concern the Board and that the bio-filters bother him because they are an experimental issue.

Mark Finstuen informed the Board that he was advised not to change anything for legal reasons and reminded the Board that he did not have a year to get the bio-filters working like most applicants because the bio-filters needed to be installed when the building was populated. Mr. Finstuen has been working with staff on this issue.

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion -
Continued

Commissioner Tjosaas stated that he is concerned and disappointed that the bio-filters are not working but was supportive of Mr. Finstuen utilizing an incinerator. Mr. Tjosaas did view the incinerator that is being used at the Rohwer facility.

Commissioner Alberts commented that he feels the incinerator is better than composting and wanted to know why things are not working the way they should and who gave Mr. Finstuen authorization to install an incinerator?

Duane Johnson stated that we were being sued at the time and he reacted to this request.

Mr. Erickson stated that he has no issue with the state program in dealing with dead animal handling and disposal. Commissioner Erickson based his decision on the state program information and information received from Carl Deckinger of the Board of Animal Health which states that the method of disposal, either composting or incineration is preferred over burial or rendering from a bio-security standpoint. Mr. Erickson commented that how Mr. Finstuen deals with the dead animals is key to the operation. Commissioner Hanson noted that the bio-filter system needs constant moisture in order for it to work correctly. Mr. Erickson was also concerned with the fact that Mark Finstuen has two experiments going on at this site and commented that he would like to see the bio-filters working.

Commissioner Erickson reported that the Board has heard a number of individuals speak highly about the incineration process. Mr. Erickson had an opportunity to observe the incinerator in use at the Rohwer site when it was used to dispose of a gilt that weighed approximately 150 pounds. The unit had an after burner feature which is required by the Board of Animal Health. Commissioner Erickson stated that he did not detect any odor other than a diesel smell for a short time when the unit was first started. There was no observable smoke detected from the unit. It was noted that two individuals from Milton Township were also present to witness the incineration process and that Milton Township as a board did not make a recommendation.

Mr. Erickson stated that the Board has heard from an individual that Dodge County is failing to enforce the terms of the conditional use permit that Mr. Finstuen is operating under. Commissioner Erickson stated that he takes issue with the assessment that Dodge County is not acting on this issue. The Board has reacted on numerous occasions when complaints have been registered. Ken Folie from the Planning and Zoning office and others have responded to these complaints. Mr. Erickson pointed out that the issue of the compost use is being dealt with today.

Commissioner Erickson reported that he does have concerns with Mr. Finstuen's management style.

Mr. Erickson commented that Mark Finstuen has been open and willing to explain his plan of operation with him when he has an opportunity to talk to him. It was Commissioner Erickson's opinion that Mr. Finstuen seems very informed on the overall operation of his facility, however, he has a tendency to put the cart before the horse. On a couple of occasions Mr. Finstuen has decided on his own to deviate from his conditional use permit in what he thinks are improvements to the conditions laid out in the conditional use permit. One such example was in his bio-filter design. Mr. Erickson and Commissioner Gray visited the site before it was populated and at that time Mark Finstuen explained the bio-filter design. Mr. Finstuen reported that if the design did not work that they could use a previously proven design. Commissioner Erickson noted that they will not know if the new design works or not until Mr. Finstuen pumps the manure out of the pit.

Commissioner Erickson stated that Mr. Finstuen has now complied with the conditional use permit in that he has what he calls bio-filters on his facility. Mr. Erickson feels that a better approach would have been to first discuss his design ideas with county staff before building his own bio-filter system. Commissioner Erickson reported that he realizes that the bio-filter concept is new and that we are learning new things all the time in order to make improvements. Given the controversial nature of the conditional use permit Mr. Erickson questions why Mr. Finstuen has chosen to operate the site this way.

Commissioner Erickson clarified that the issue before the Board today is whether or not to allow Mr. Finstuen to amend his conditional use permit to allow the use of incineration as a method of carcass disposal. Mr. Finstuen has complied with the conditions of the conditional use permit and under pressure from the county did establish a compost shed. The structure seems to lack the design the county was led to believe he was going to use.

Mr. Erickson continued by saying that Mr. Finstuen's EAW spelled out in detail how his compost facility would look. When the conditions were adopted the county did not include this wording and simply said that Mark Finstuen had to provide a separate compost shed for dead animal disposal. Mr. Finstuen now wants to amend this condition.

Commissioner Erickson stated that the proposal is a good idea, it is clean, deals with the bio-security issue and if managed properly seems to deal with the odor issue. It was Mr. Erickson's recommendation that two County Commissioners and Planning and Zoning staff meet with Mr. Finstuen to address incinerator and bio-filter issues and get them worked out.

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion -
Continued

Duane Johnson reported that the bio-filters have been a concern and that university staff has been out to review them. The bio-filters do not meet the university's specifications for bio-filters. Mr. Johnson reviewed EAW information with the Board.

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion -
Continued

Commissioner Erickson felt that the existing bio-filters would work with some modifications.

Mr. Johnson noted that the devices Mr. Finstuen has in place meet the conditions that were stipulated. Also noted was that the devices need to work and that there is a need for a long-term resolution to this problem.

Commissioner Erickson wanted to know if it was an option to deal with both issues now. Mr. Erickson commented that Mr. Finstuen will still have dead animals to dispose of even if the Board took no action today. The baby pigs would still be composted and the larger animals would be incinerated off site.

The Planning Director informed the Board that they still have a couple of other things to bring to the table with this conditional use permit. Mr. Finstuen needs to deal with the five day pumping notice to neighbors. The grass waterway issue needs to be addressed and finished and there are other things that need to be done in addition.

Commissioner Erickson reminded the Board that Mark Finstuen populated the building in a short time this year therefore the manure amount is lower than it will be in the future.

The Board discussed with Mr. Finstuen the amount of manure present at the site.

Mr. Finstuen reported that he plans to transport manure in tanks to the fields farthest away. Next year Mr. Finstuen will be utilizing the drag method to spread manure on the fields closer to this facility.

Commissioner Alberts wanted to know how many times a year Mr. Finstuen plans to spread manure.

Mark Finstuen reported that he would spread manure once a year.

Commissioner Alberts commented that another facility will be coming up within the year in the area and that he did not want to have the same issues with that facility.

It was Commissioner Gray's opinion that one of the missing links in this process is the plan. Mr. Gray wanted to know if the county has a plan for continuous oversight of these facilities. Mr. Gray also questioned who would be involved in the process to make sure things that need to be done are being done.

Mr. Johnson noted that there are problems with some of these farms and that they need to sit down and determine what needs to happen in the future.

Mr. Johnson reported that they do have standards to follow and that they need to have some type of protocol set to address these issues.

Commissioner Gray stated that he has concerns with emissions. Mr. Gray is reluctant to go along with the recommendation until the plan is perfected. Commissioner Gray reported that he has seen the incinerators in action and knows that they can work.

Commissioner Erickson commented that follow-up is a big problem.

Duane Johnson informed the Board that the laws are pretty clear about animal carcass management and manure management.

Commissioner Gray wanted to know who monitors and corrects problems when these farms are not operating correctly. Mr. Gray indicated that he wants to see a plan or protocol to address problems or concerns.

Mr. Finstuen discussed with the Board the after burners.

Commissioner Gray wanted to know if anyone monitors what is coming out of the after burners.

Mr. Johnson reported that MPCA rules will be referred to regarding the after burners.

Commissioner Erickson wanted to know if there is a standard here that would apply for the incinerator.

Commissioner Hanson stated that he would like to see the Board postpone a decision on the request until a plan is developed to ensure that the bio-filers are functioning correctly.

Commissioner Erickson wanted to know how the dead animals will be dealt with?

Mr. Finstuen reported that dead animals will be dealt with the same way they are now, off site and by incinerator.

Motion by Hanson seconded by Gray to table further discussion on the conditional use permit request for clarification and to rectify problem areas.
Motion adopted, Hanson, Gray, Erickson, Tjosaas aye, Alberts nay.

The Chair appointed Commissioners Gray and Tjosaas to meet with Planning and Zoning staff and Mark Finstuen for further discussion on the request to amend CUP #03-03.

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion -
Continued

Mr. Finstuen expressed his concerns with the bio-filters and reminded the Board that he did not have a year to get them working like most others would have.

Commissioner Alberts questioned why the Board would post pone the inevitable?

It was Commissioner Erickson's opinion that there is a need to address both issues and reported that he was in favor of resolving this issue this way, and that it needs to be resolved soon.

Under deferred business the Board discussed the Recorder's request to approve a microfilm conversion quote.

Ms. Alberts received two quotes for the process of imaging documents currently contained in aperture cards and microfilm in the Recorder's Office.

The following quotes were received:

ATI, Inc. from Cottage Grove, MN	\$23,341.00
Information Systems Corporation from Fargo, ND	<u>\$26,341.00</u>
Difference in the 2 quotes:	\$ 3,000.00

Both companies would be using the "original" aperture cards and microfilm which is necessary to obtain the best image possible when converting to images. The County Recorder was concerned regarding the method used to transport these originals from here to the location where the actual process will be completed. ATI will be using a contracted carrier to do the transporting and the actual work will be done in California. Information Systems will have an employee pick up the originals in person and they will be returned to Dodge County in person and the actual work will be done in Fargo.

The County Recorder supports giving this project to Information Systems Corporation even though their quote is higher in view of the fact that the records will be handled personally rather than by a courier and also because they have had good experience with this company.

The funds for this project will come from the Equipment Fund for the Recorder's Office which currently has a balance of \$84,204.14.

County Attorney Paul Kiltinen provided the Board with his legal opinion on the request.

Motion by Alberts seconded by Hanson to award the bid for the process of imaging documents currently contained in aperture cards and microfilm in the Recorder's Office to low bidder ATI, Inc. from Cottage Grove, MN in the amount of \$23,341.00. *Motion adopted unanimously.*

The County Attorney left the meeting at 12:42 p.m. CDT.

Planning
Commission
Recommendation
CUP #03-03
Amendment
Discussion -
Continued

Microsoft Conversion
Quote Approved

County Attorney Left
Meeting

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

Public Health
Committee Report

The Board discussed the Public Health Director's request to reconsider hiring a Public Health Supervisor for CY 2007. Ms. Espey's reasoning is as follows:

Public Health
Supervisor Request
Discussion

As Dodge County has experienced much growth, 13,000+ population in 1987 to the current census of 19,000+. Public Health has had to grow and change to meet the needs of the community as well as new state/federal rules and regulations. In 1987 it was recommended by the former Public Health Director and the Advisory Committee that a Public Health Supervisor was needed in addition to the Home Health Supervisor that was employed at that time. No supervisor was added and the Home Health Supervisor was transferred when a part of the home care program transferred in 2000 leaving no professional supervisor other than the Public Health Director in the Public Health Department. Direct supervision of the remaining professional staff was assumed by the Public Health Director and has continued to date.

The growth in population has been reflected by the growth in programming, services, clients and personnel. With this positive growth has come the need for additional supervision to assure that all services delivered stay in compliance with the new and complex rules and regulations that follow these programs, such as increased program and staffing documentation and reporting, policy development, coordination of staff and programs, evaluation and follow up to name a few.

Additional major factors that have contributed to this need for a supervisory position are:

- The complexity of the programs Public Health is leading and coordinating.
- September 11, 2001 added a new and challenging role for Public Health, i.e., Emergency Preparedness.
- Public Health has been moved forward into the world of health plans and County Based Purchasing and is faced on a daily basis with new expectations, new mandated quality assurance programs with new on-site audits for compliance by federal and state authorities as well as Health Plans.
- Health Insurance Portability & Accountability Act requirements.

- The new Local Public Health Act that has identified the minimal expectations of all local health departments. In addition, to address the health issues that continue to present themselves, i.e., obesity, alcohol, tobacco and other drugs specifically the response to increase Meth production and usage, family health issues, early detection and prevention of disease for example panflu, communicable disease, etc.

Public Health
Supervisor Request
Discussion -
Continued

Ms. Espey's handout stated that the bottom line is that the work expected from the Public Health department cannot continue to be carried out at a safe and effective level without additional supervisory personnel. In addition they foresee in the near future the growth of the Community Well and Ability Care Health Teams which again will require increased staffing. Therefore, the Public Health Director is requesting that the Board reconsider her 2007 budget request that included a Public Health Supervisor position.

It was the consensus of the Board to defer action on this item.

The Board reviewed the Public Health Director's Tobacco – Free Communities in Minnesota, Reducing Youth Exposure Tobacco Influences and Creating Tobacco-Free Environment Grant Application agenda item.

Tobacco – Free
Grant Application
Approved

A letter of intent was submitted by Steele County Public Health on behalf of Steele, Dodge, Rice and Goodhue counties. They are utilizing the experts in their Local County Health Departments to move their tobacco efforts forward. Working sessions with Steele, Rice and Goodhue counties have been occurring over the past few weeks and final touches are being made to the collaborative grant application. As stated in the Public Health FYI September 12th the funding will be available from January 1, 2006 to December 31, 2008 with the opportunity to negotiate and renew the grant agreement through December 2011. This funding would be used to continue efforts as collaborating counties to address tobacco issues locally. Currently they are funded at \$13,140. While there is no guarantee that they will receive this funding, without applying they will have no tobacco funding to support their tobacco efforts. This grant has been reviewed with the County Administrator. The Public Health Director is looking for the Board's support to move this grant application forward to continue their efforts toward prevention and reduction of tobacco use.

Motion by Alberts seconded by Gray to approve and authorize Public Health to submit a Tobacco – Free Communities in Minnesota, Reducing Youth Exposure Tobacco Influences and Creating Tobacco-Free Environment Grant Application on behalf of Dodge County as requested. *Motion adopted unanimously.*

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

Administration
Committee Report

Motion by Gray seconded by Hanson to approve and authorize the September 26, 2006 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

09/26/06 Committee
of the Whole Meeting
Minutes Approved

Motion by Tjosaas seconded by Alberts to approve and authorize the September 26, 2006 meeting minutes as corrected on page 239. *Motion adopted unanimously.*

09/26/06 Meeting Minutes Approved

The Board reviewed a request to donate equipment to the Fairview Care Center. The County Administrator reported that the Sheriff's Office held an auction on September 29, 2006 of abandoned property related to previous cases. Before the auction Galen Heinle who is both the Maintenance Supervisor at Fairview Care Center and a part time Deputy Sheriff noticed that some of the equipment could be utilized by Fairview Care Center.

Donation of Equipment to Fairview Care Center Approved

Mr. McKnight felt this was a great method to get the Fairview Care Center equipment that they need without cost to the general taxpayers.

Motion by Gray seconded by Hanson to approve and authorize the donation of the following equipment from the Sheriff's Office to the Fairview Care Center:

1. Gas torch set with tanks on cart.
2. Remington space heater.
3. DeWalt drill with battery charger and battery.
4. Porter cable.

Motion adopted unanimously.

Commissioners provided their agency reports. Commissioner Hanson attended a SEAAA meeting, a Township Officers meeting, an AMC District IX meeting and a SEHR Joint Powers meeting. Commissioner Alberts attended a Corrections meeting and a Township Officers meeting. Commissioner Gray attended a SCHRC meeting. Commissioner Erickson attended a SCHA meeting, a Dodge County Planning and Zoning meeting, a Dodge County Township Officers meeting, a SCHA Quality Assurance Committee meeting, an AMC District IX meeting and visited the Rohwer feedlot. Commissioner Tjosaas attended a Planning and Zoning meeting, a Township Officers meeting and a MAC meeting.

Agency Reports

Motion by Gray seconded by Alberts to go into closed session at 1:00 p.m. CDT to conduct the County Administrator's annual performance review. *Motion adopted unanimously.*

Closed Session

Those present included all five County Commissioners and the County Administrator.

The Chair opened the meeting to the public at 1:34 p.m. CDT.

Meeting Opened to the Public

The Board further discussed the cafeteria contribution request. Motion by Tjosaas seconded by Hanson to switch from Assurant Dental to Humana Dental as of January 1, 2007 and increase the County Contribution to \$525 for single coverage and \$965 for family coverage for 2007. *Motion adopted unanimously.*

*Dental Switch and
Cafeteria Plan
Contribution
Approved for 2007*

Motion by Alberts seconded by Hanson to adjourn the meeting at 1:36 p.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

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

*Next Regular
Meeting*

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: