

TUESDAY, OCTOBER 24, 2006

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-21

The Dodge County Board of Commissioners met in regular session October 24, 2006, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CDT. David Erickson, Chair called the County Board of Commissioners meeting to order at 9:30 a.m. CDT.

Meeting Convened

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

Those Present

Members present:	Klaus Alberts	District #1
	Lyle Tjosaas	District #2
	David Erickson	District #3
	Don Gray	District #4
	David Hanson	District #5
Members absent:	None	
Also present:	David McKnight	County Administrator
	Becky Lubahn	Deputy County Clerk

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

Agenda Approved

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

Personnel Actions
Approved

A. Sheriff's Department

- A.1 Shannon Boerner – Deputy Sheriff
Regular status and step increase from C41 hire step \$17.07 to C41 12 mo. step \$18.26.
Effective Date: 10/01/06
- A.2 Christine Wolcott – 911 Dispatcher
Step increase from B22 step 4 \$15.37 to B22 step 5 \$15.83.
Effective Date: 8/19/06
- A.3 Adam Newbloom – Deputy Sheriff
Resignation.
Effective Date: 10/24/06

B. Human Services

- B.1 Brian Hartung – Human Services Director
Annual review.
Effective Date: 10/04/06

C. Administration

- C.1 David McKnight – County Administrator
Step increase from E91 step 6 \$39.19 to E91 step 5 \$41.41 and approval of Employment Agreement Amendment.
Effective Date: 10/22/06

D. Job Description Annual Review**D.1 Annual Review of Job Descriptions**

Approval of revised job descriptions for:

Assessment Support Specialist - Assessor's Office (requesting that one of the Senior Clerks be changed to this new position)

Public Health Director – Public Health

(All updates have been reviewed by the employees in the position, Department Heads, County Administrator and Employee Relations)

Effective Date: 12/1/06

Motion adopted unanimously.

Personnel Actions

Approved -

Continued

The County Attorney arrived to the meeting at 9:32 a.m. CDT.

County Attorney
Arrived to Meeting

Ms. Hager presented for the Board's consideration an addendum to the Group Health Policy for the MedicareBlue RX Retiree Prescription Drug Plan. The Employee Relations Director reported that the cost of the plan is going from \$118 per month to \$91.42 per month.

Addendum to
MedicareBlue Rx
Retiree Group Health
Insurance Policy
Approved

Motion by Gray seconded by Hanson to approve and authorize the Chair to sign the Group MedicareBlue Rx Retiree Prescription Drug Plan Addendum to Group Health Care Insurance Policy as presented. *Motion adopted unanimously.*

The Employee Relations Director discussed with the Board a renewal request for SelectAccount services. Ms. Hager reported that SelectAccount has been administering Dodge County's Flexible Benefits Plan since 2003. The cost of this service is \$1,500 annually and \$2.45 per participant per month. For this fee they set up the accounts, determine eligibility of claims for reimbursement under IRS rules, and distribute those reimbursements to the participants. In addition, SelectAccount is also the administrator for Dodge County VEBA Accounts.

SelectAccount
Services Renewal
Request Approved

Motion by Alberts seconded by Tjosaas to continue Dodge County's service agreement with SelectAccount for 2007 as requested. *Motion adopted unanimously.*

Mr. McKnight provided the Board with a third quarter 2006 Financial Report.

Third Quarter
Financial Report

County Engineer Guy Kohlhofer met with the Board to review a Snow Plow Policy. Mr. Kohlhofer reported that Dodge County maintains a snow removal policy for the purpose of giving direction to snow plow crews as well as informing the general public regarding snow removal expectations. Many residents witness a wide variety of snow removal efforts across the state. Mr. Kohlhofer stated that with a policy in place those residents have some indication of what they can expect within Dodge County.

Highway Department
Snow Removal
Policy Approved

The County Engineer informed the Board that research was conducted on snow policies throughout Minnesota. This combined with local experiences were used to update the current policy. Mr. Kohlhofer noted that some of the policies encountered were very long. Dodge County's policy is intentionally kept short to avoid complication and maintain situational freedom of judgment.

Highway Department
Snow Removal
Policy Approved -
Continued

Mr. Kohlhofer discussed with the Board the difference between the current policy and the proposed policy.

Commissioner Erickson stated that if it is not broken, do not fix it. Mr. Erickson questioned the difference between a policy and a guideline.

Mr. Kohlhofer reported that a policy and a guideline overlap. A policy is something that you approve and is used to govern how you run your operation.

Motion by Alberts seconded by Gray to adopt the updated snow removal policy for use by the Highway Department. *Motion adopted Tjosaas, Hanson, Alberts, Gray aye, Erickson nay.*

Mr. Kohlhofer discussed CSAH 24 funding with the Board.

MnDOT Grant for
CSAH 25/TH 57
Discussion

The County Engineer reported that Dodge County applied for and received funding for the improvement of the CSAH 24/TH 57 intersection. This funding was obtained by application to Minnesota's Local Road Improvement Program. State funding passed in 2006 made \$16 million available to certain jurisdictions.

The junction of TH 57 and CSAH 24 east currently consists of two intersections left behind by the repeated realignment of roads in the area. Both intersections occur after a turning action on CSAH 24. The south junction occurs near a wooded area of poor visibility and a post and cable guardrail.

The planned improvement is to combine the two intersections into one with less curvature and better visibility. The design will be completed this winter for a spring letting.

It was Mr. Kohlhofer's opinion that it is not good to have two intersections in this area because it increases the possibility of accidents.

County Citizen Dale Allen who is familiar with this area commented that he has driven in this section of road for many years and that he likes the intersections the way they are now.

Commissioner Alberts stated that he likes the idea of one intersection located in the center. Mr. Alberts was also in favor of adding a turn lane and acceleration lane.

Commissioner Gray expressed concern with the width of the turn and felt that the safest route would be to straighten out this intersection.

MnDOT Grant for
CSAH 25/TH 57
Discussion -
Continued

It was the general consensus of the Board to go along with combining the two intersections and request that an acceleration lane be added.

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

Bills Approved

01	Revenue Fund	\$159,588.01
11	Human Services Fund	\$ 594.26
13	Road and Bridge Fund	\$ 76,703.06
16	Environmental Quality	<u>\$ 49,660.41</u>
	Total	\$286,545.74

Motion adopted unanimously.

County Administrator David McKnight discussed the Finstuen Conditional Use Permit request with the Board. Mr. McKnight reminded the Board that the Board discussed a request to amend the Finstuen conditional use permit at their meeting on October 10, 2006. At that meeting the Board directed two commissioners (Gray and Tjosaas) and county staff to meet with Mr. Finstuen to see if some issues could be worked out in regards to his conditional use permit and request to amend this permit.

Mark Finstuen CUP
#03-03 Amendment
Approved

The County Administrator reported that Mr. Finstuen met with Commissioners Gray and Tjosaas, along with Duane Johnson, Ken Folie and David McKnight on Friday, October 13, 2006 to discuss this issue. This meeting focused on two issues; bio-filters and incinerators. The meeting was productive and produced the following results.

Bio-Filters: Mr. Finstuen will work with county staff and representatives from the University of Minnesota and MPCA to review the design of the bio-filters to see where improvements can be made to the current bio-filters. This issue will review the size of the fans to see if that is an issue, along with all other relevant issues. The timeline for when the outside representatives are available is unknown at this time. Once this timeline is set, the timelines for the construction/materials availability and testing will be set. Mr. McKnight provided a table to track these items for the Board's review. This will be updated as the county moves through this process and the Board will be kept up to date and provided with updated copies of the table.

Incinerator: This issue primarily focused on the testing of Mr. Finstuen's incinerator. County staff wanted to be able to show test results from an outside source on what is produced from the stack, if anything, when hogs are incinerated. It was agreed at the meeting to contact MPCA to request that they come and test Mr. Finstuen's incinerator and have these test results shared with everyone. The County Administrator provided for the Board's review a copy of an email sent by Mr. Folie requesting this test. Mr. McKnight also requested that the County Board continue to be educated on this issue since it is a method that is not as common for carcass disposal in Dodge County.

Mark Finstuen CUP
#03-03 Amendment
Approved -
Continued

The timelines for either of these issues are not set due to the timing of the availability of professionals, in addition MPCA has not responded to our request at the time of the mailing of the board packet. The group did discuss the estimated time of completion of both of these items at the meeting. The bio-filters issues are most likely not going to be completed until the spring or early summer of 2007. The incinerator test hopefully can be accomplished very soon.

Commissioner Tjosaas commented that testing is important and needed to make sure the bio-filters are functioning correctly.

Planning Director Duane Johnson and Assistant Feedlot Office/Zoning Administrator Ken Folie were available to comment.

Mr. Johnson indicated that there will be testing of the bio-filters to make sure they are sustainable.

Commissioner Erickson wanted to know if there is any recourse if the testing initially is working but fails a few years down the road.

The Planning Director reported that there is a need to make sure the bio-filters that are currently out there are operating properly. Mr. Johnson stated that they will go out periodically to check these sites.

Mr. Folie reported that tests are done visually. They monitor moisture content and back pressure on the fans. The Assistant Feedlot Office/Zoning Administrator commented that air quality suffers when the system becomes plugged.

Mr. Folie informed the Board that he carries a device to monitor these sites in his truck and that he sees a need to develop a program to monitor these sites.

Commissioner Erickson wanted to know what the alternative is if the system is not working.

Commissioner Alberts wanted to know what the recourse is if the system was not working.

The Planning Director reminded the Board that this is unique to Dodge County and that they are learning as they go. Mr. Johnson agreed that they need to develop a component to monitor these sites.

Mark Finstuen CUP
#03-03 Amendment
Approved -
Continued

Commissioner Erickson noted that the Task Force would like to see some type of follow up on existing facilities since new facilities are monitored more closely. Mr. Erickson agreed that a plan is needed to monitor these sites and questioned what the penalty would be for facilities out of compliance.

County Administrator David McKnight reminded the County Board of language in the Zoning Ordinance that states when a conditional use permit violation occurs that the permit can be pulled.

Commissioner Alberts voiced his opinion that Dodge County ordinances are not being followed.

Commissioner Gray stated that he would like to see documentation that shows when testing is being conducted and if the tests meet the standards. Mr. Gray also wanted to know if there is a test to help monitor these sites.

Ken Folie reported that there is a test. They gather data, measure fan current, back pressure and also take volume into consideration.

Mr. Gray clarified the testing procedures and stated that he would like to see them come up with a way to document testing results.

Duane Johnson reported that they are working to develop standards.

Commissioner Tjosaas stated that he wanted the end result documented.

Commissioner Erickson suggested that we use the University of Minnesota standards as a starting point to develop a program for Dodge County.

Mr. Folie informed the Board that all other bio-filters in the county are built to University of Minnesota standards.

The Board discussed incineration.

Commissioner Hanson wanted to know if the county could purchase meters to have on hand to monitor Dodge County feedlots.

Ken Folie informed Mr. Hanson that meters are available for approximately \$17,000 and that the University of Minnesota and MPCA both have them.

The County Administrator clarified that the Board wants to test what is coming out of the stacks. MPCA or a contractor will be requested to come out and test what is coming out of the Finstuen incinerator stack.

Commissioner Erickson informed the Board that there is a pet cremation business south of Hayfield. Mr. Erickson sees this as a service that will be utilized more frequently statewide.

Mark Finstuen CUP
#03-03 Amendment
Approved -
Continued

Commissioner Alberts stated that he knows composting works and was more comfortable with that process.

Mr. McKnight discussed timelines.

Commissioner Erickson discussed testing the Finstuen incinerator.

It was Commissioner Tjosaas' opinion that it was safest to have the incinerator on site at the facility so there is no need to transport dead animals.

Commissioner Erickson commented that there is a need to have MPCA or a contractor come out and test that air after the incinerator is used.

Commissioner Gray wanted to know if the end result coming out of the stack is tested.

Mr. Johnson stated that he thinks there is someone out there that can do the proper tests.

Commissioner Gray noted that this is a standard that applies to not only Finstuen, but all feedlots in Dodge County.

The Planning Director pointed out that we need to ensure that clean air regulations are being followed.

Commissioner Hanson reminded the Board that Minnesota requires secondary burners on their incinerators.

The County Administrator clarified that the intent of the Board would be to approve the amendment to the conditional use permit with the following language:

1. The incinerator test being conducted by MPCA **or contractor**.
2. Results of the test being reviewed and acceptable to the County Board.
3. The **incinerator shall be moved on site**.
4. Bio-filter design review, construction/materials availability and testing components agreed to by Mr. Finstuen are met.
5. These requirements are made a part of the conditional use permit amendment **that will be recorded**.

Commissioner Gray stated that this does not fix or address Mr. Hanson's concern that there are two experiments going on at once at the Finstuen location.

Mark Finstuen CUP
#03-03 Amendment
Approved -
Continued

Mr. McKnight wanted to know if the Board wanted to include a date with the motion.

County Attorney Paul Kiltinen informed the Board that it would behoove them to include a date.

Commissioner Hanson reported that right or wrong, we do have timelines that apply to other conditional use permits and that he did not want to treat Mr. Finstuen's conditional use permit differently.

The County Attorney suggested that language be included to spell out that they will review the incinerator in 90 days or that the incinerator has to be in place within 90 days. Mr. Kiltinen reminded the Board that this timeframe could be extended as needed.

Commissioner Alberts wanted to know what you get with a 90 day timeline.

Commissioner Erickson clarified that the 90 days will allow them time to determine if the incinerator meets the incinerator standards.

Mr. McKnight suggested that the incinerator test be conducted by MPCA by January 23, 2007 and that the bio-filter design review, construction/materials availability and testing components agreed to by Mr. Finstuen are met by June 30, 2007.

Commissioner Gray stated that he thinks the timelines are reasonable.

Commissioner Alberts wanted to know what happens after 90 days if the incinerator is not working.

Commissioner Gray clarified that after the 90 days if the incinerator is not working that Mr. Finstuen cannot use it.

Mr. Kiltinen suggested that the language on item three read as follows: The incinerator **shall** be moved on site.

Commissioner Alberts noted that he wants to see an effort made to get the bio-filter system working.

Commissioners discussed options for composting, incineration, burial and rendering. It was noted that burial and rendering are not a viable option.

Commissioners discussed the need to address violations that occur with conditional use permits.

The County Attorney discussed compliance and non-compliance issues and reported that the Board should refer to the Board of Animal Health standards for direction on how to handle non-compliance issues.

Mark Finstuen CUP
#03-03 Amendment
Approved -
Continued

Commissioner Erickson felt that the Board needs to decide what to do if the bio-filters are not working and develop a plan.

Mr. Folie discussed bio-security issues.

Motion by Tjosaas seconded by Gray to grant the amendment to conditional use permit #03-03 that was requested at the October 10, 2006 County Board meeting based on:

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.
3. The incinerator test being conducted by MPCA or contractor by January 23, 2007.
4. Results of the test being reviewed and acceptable to the County Board.
5. The incinerator shall be moved on site.
6. Bio-filter design review, construction/materials availability and testing components agreed to by Mr. Finstuen are met by June 30, 2007.
7. These requirements are made a part of the conditional use permit amendment that will be recorded.

Motion adopted unanimously.

Commissioner Erickson thanked Commissioners Gray and Tjosaas and staff for the amount of effort that was put into resolving this issue.

Commissioner Tjosaas stated that they tried to do what was right for the whole situation.

During the County Board meeting on October 10, 2006 the County Board went into closed session to conduct the annual performance review of the County Administrator. Closing a County Board meeting to perform this task is allowed by state statute.

County
Administrator's
Performance
Evaluation
Discussion

In accordance with this law, the County Board must summarize its conclusions regarding the evaluation at its next regular meeting.

Commissioner Erickson provided the Board with a summary of the County Administrator's performance evaluation.

The County Board thanked Mr. McKnight for a job well done and for his efforts.

County
Administrator's
Performance
Evaluation
Discussion -
Continued

Commissioner Hanson stated that he appreciates receiving the quarterly fiscal updates.

Commissioner Tjosaas commented that he feels David McKnight does an efficient job as County Administrator.

It was the consensus of the Board that they appreciate the work the Mr. McKnight has done.

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 (GRH); with Vickie Munson; at the rate of \$737/month; for the term of 10-01-06 to 06-30-07. *Motion adopted unanimously.*

Group Residential
Housing Agreement
Approved

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

Public Health
Committee Report

A Tobacco License cost analysis was completed for the three departments involved in licensing vendors. The tobacco fee for the past year was \$160.00. The Public Health Director recommended that the County Board approve the Tobacco License Fee for 2007 based on the cost analysis completed. Motion by Alberts seconded by Hanson to approve setting the 2007 Tobacco License Fee at \$165.00 effective January 1, 2007 through December 31, 2007. *Motion adopted Tjosaas, Hanson, Alberts, Erickson aye, Gray nay.*

2007 Tobacco
License Fee Set

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

Legal Update

Mr. Kiltinen updated the Board on a washout issue on the bike path near Spring Creek Subdivision. The County Engineer will be asked to correct the problem. It was noted that Mantorville Township is ultimately responsible for correcting the drainage issue since it is in their township. Mr. Kiltinen suggested that the Highway Department correct the problem now and that we deal with the payment issue later.

The County Attorney left the meeting at 11:33 a.m. CDT.

County Attorney Left
Meeting

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 October 10, 2006 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

10/10/06 Committee
of the Whole Meeting
Minutes Approved

Motion by Tjosaas seconded by Hanson to approve and authorize the October 10, 2006 meeting minutes as corrected on page 252. *Motion adopted unanimously.*

10/10/06 Meeting Minutes Approved

Snow removal services for 2006-2007 were discussed. Snow removal services are up for renewal. The areas receiving these services are the Courthouse, Maintenance Garage, and the Ag Center. The Building Operations Supervisor has contacted numerous snow removal contractors requesting snow removal services. No new snow removal contractors responded. Some contractors indicated they were not interested, some indicated they were not taking on additional customers, and others were not traveling outside their established areas. Contractors contacted include Swenke Co., Inc., Wirth Septic Systems, Bzoskie Lawn Service, Dan Ryan Concrete, BMG Excavating, C&C Excavating, Olive Brothers Excavating, Bernard Landscaping and Bob Braaten Construction, Inc.

2006-2007 Snow Removal Services Approved

The previous snow removal contractors are interested in continuing their services with the county. Swenke, Co. Inc. from Kasson, MN provided services at the Courthouse and Maintenance Garage for plowing and salting the parking lots only. Wirth Septic Systems from Dodge Center provided services at the Ag Center for plowing the parking lot, sidewalk shoveling and salting.

Swenke Co. Inc. provided their renewal proposal with an increase of \$5.00 per hour for equipment rates.

Wirth Septic Systems provided their renewal proposal with an increase in prices of \$5.00 an hour increase per time for snow plowing equipment and \$10.00 increase for sidewalk/salting based on four inches or less snow fall. Snow of four inches or more the pricing stays the same as last year.

Motion by Gray seconded by Alberts to approve and authorize to renew contract agreement services with Swenke Co. Inc. and Wirth Septic Systems to provide snow removal services as listed below for 2006-2007:

Independent Contractor	Service	Parking Lot	Sidewalks/Salting
Wirth Septic Systems	Snowplowing for 4" Snowfall or Less	\$45.00	\$50.00
	Snowplowing Over 4"	\$55.00	\$50.00
*Sanding is additional.			

Independent Contractor	Equipment	Description	Hourly Rate
Swenke Co. Inc.	Loader L3	1984 Ford 555 Wheeler Loader	\$80.00
	Loader L5	1992 Case 721 w/American Fast Hitch Loader Forks Case Loader 721 Fast Hitch	\$105.00
	Loader L8	1986 Melroe Bobcat 743	\$50.00
	Loader L9	1992 1125 Case Skid Steer Loader	\$45.00
	Loader L10	1993 Case 621 Loader	\$105.00
	Grader G2	1973 Champion D560 HD Grader	\$90.00
	Truck T97	2002 Sterling/Dump	\$70.00
	Truck T98	2002 Sterling/Dump	\$70.00
	Truck T99	2002 Sterling/Dump	\$70.00
	Pickup P10	1997 Ford F250 ¾ Ton HD – 4x4	\$70.00

2006-2007 Snow Removal Services
Approved - Continued

Motion adopted unanimously.

The Board discussed an AS400 Annual Software Maintenance renewal request. The AS400 server annual software maintenance agreement is up for renewal mid November. This agreement with IBM provides for operating system maintenance and upgrades for one year at a fee of \$3,013.68.

AS400 Software Maintenance Agreement Annual Renewal Approved

Motion by Alberts seconded by Hanson to approve and authorize the Chair to sign a Sales and Purchase Agreement with CPS Technology Solutions for twelve months of maintenance and support of the IBM AS400 operating system software at a cost of \$3,013.68. Funds will be taken from the Information Systems budget. *Motion adopted unanimously.*

The Board reviewed an Accu-Chem Laboratory Service Agreement request from Drug Court. The cost of the test will be \$25.00 per test which includes all materials and shipping. The agreement allows Drug Court to test for inhalants. Motion by Tjosaas seconded by Gray to approve and authorize the Chair to sign a Laboratory Service Agreement with Accu-Chem for Drug Court which will allow them to test for inhalants at a cost of \$25.00 per test. *Motion adopted unanimously.*

Laboratory Services Agreement with Accu-Chem Approved

Commissioners provided their agency reports. Commissioner Hanson attended a Fairview Care Center meeting. Commissioner Alberts attended a Fairview Care Center meeting and a Soil and Water meeting. Commissioner Gray attended a Care Center meeting and a Feedlot meeting. Commissioner Erickson attended a public meeting by the Sheriff's Department in Hayfield on local crimes, a SCHA meeting, a SCHA Joint Powers Board meeting, a Fairview Care Center meeting and a SCHA meeting. Commissioner Tjosaas attended a Dodge Care Center meeting.

Agency Reports

Motion by Gray seconded by Alberts to adjourn the meeting at 11:58 a.m. CDT. *Motion adopted unanimously.*

Meeting Adjourned

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

Next Regular Meeting

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: