

MANTORVILLE CITY COUNCIL MEETING AGENDA
MONDAY, FEBRUARY 22, 2016
6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Additions/Deletions to Agenda
4. Consent Agenda
 - a) City Council Meeting Minute's February 8, 2016
 - b) Warrant List February 12, 2015 and February 22, 2016
 - c) Dodge County Board of Commissioner's Meeting Agenda February 23 , 2016
 - d) Notice of LMCIT Safety and Loss Control Meetings
 - e) Dodge County Planning Commission Public Hearing Notice
5. Public Concerns
6. Public Hearing - none
7. Old Business/New Business
 - a) Joe Waugh – City Insurance Agent
 - b) David Jacobsen – City Prosecutor
 - c) Chapter 31.38 and 150.111 Draft Ordinance Amendment Review
 - d) Set Spring Retreat Date
8. TBD
 - a) Public Works Report
 - b) City Clerk Report
 - c) Consultant Report
 - d) Committee Report
 - Chamber, EDA, Finance/Budget, Fire Department, Infrastructure, KM Joint Powers, MRA, Park Board, Personnel, Relief, Township*
 - e) Council Member Report
 - f) Mayor Report
9. Executive Session
10. Adjourn

MANTORVILLE CITY COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 8, 2016
6:30 PM

1. **Call to Order** – Mayor Bradford called the meeting to order at 6:30 pm.

Members Present: Chuck Bradford, Henry Blair, Don Hofstad, and Sherry Roth

Others Present: Mark and Ann Torkelson, Karen Steele, Dan Trapp, Gary Bromley, Mark and Nancy Schmidt, Mike Marti, Guy Kohlenhofer, City Attorney Scott Riggs, Scott Larsen and Cami Reber.

2. **Pledge of Allegiance** - Done
3. **Additions/Deletions to Agenda** - None
4. **Consent Agenda** – Motion made by Member Hofstad, second by Member Blair to approve the consent agenda as follows:
 - a) City Council Meeting Minute's January 25, 2016
 - b) Warrant List February 8, 2016
 - c) Dodge County Board of Commissioner's Meeting Agenda February 9, 2016
 - d) January Sheriff's Department Call Report for Mantorville
 - e) 2016 Notice of LBAE Meeting Monday May 2, 2016 6:30 – 7:00 pm
 - f) Annual Prosecution Report

Motion passed unanimously.

5. **Public Concerns** - none

6. **Public Hearing** - none

7. **Old Business/New Business**

- a) **Tabled Variance Request Mark and Ann Torkelson**

Motion made by Member Hofstad, second by Member Roth to remove from the table the previously tabled variance request. Motion passed unanimously.

Mayor Bradford asked the City Attorney, Scott Riggs, if there is any new information that has come up. Scott responded that no new information has come in at this time. Both a denial and approval resolutions have been put together. Both could require some modifications based on what is discussed tonight. He has had conversations with both Cami and a couple Council Members regarding what is a solution or not here. Typically these types of situations are best handled when you find some middle ground that works for everybody. He doesn't feel that we have gotten there yet as a Council or the applicant; doesn't think we are going to please everybody here based on the testimony that has been received. The Council has all the avenues before them, Council can table it again, but a decision really needs to be made next week. If it is tabled, Council needs to request an extension from the applicants. You have the options of approving the application or denying it or tabling it and requesting something else, and come back to a modified form which is the middle ground which is hugely a better solution. Courts like that when the Councils try to work with the applicants and the residents. Mayor Bradford offered to take any additional comments from the audience. He asked Council Members for their input.

Member Hofstad – any decision that is made here this evening is nothing personal. This has been a hard thing for everyone involved. He noted the last meeting in which Jay Kruger, building official for the City, made statements as far as the code's, that the variance had

nothing to do with the codes that were on the table, he explained that and the attorney talked as well about the different building codes. What he is looking at here is the hardship, that our resources have pointed out this really isn't the case here. He doesn't feel that it has to do with the building code. Also feels it is a personal preference, this is his opinion. He doesn't see, in his opinion, how the variance can pass with what has been granted and what has been shown here. He understands they would like to have a bigger building, the problem that he sees is the zoning that we have there. Even though it was a farm field, even though it was corn, the City had it zoned for certain aspects and it was never changed even though for years there was a field there. May need to look at the local zoning and see if there is something we can do different. But at this point in time and by what we have been shown here, from what he has read and all of the information, and the countless emails and what not, doesn't feel in his opinion, that even with a taller roof to look nicer, feels it is personal preference as far as he is concerned and we need to look at not allowing it.

Member Blair – the personal preference thing has been thrown around a lot of times previously. And after the last meeting it was about that. Part of that goes to, every variance is based on the desires of the applicant. That's why they made the effort to put in the variance request. Ultimately it is always based on the starting point of what they are requesting. The issue he has with the statement of the building code specifically and the original variance request; how much do we want as a Council to make it so difficult for anybody to apply for a variance and get a variance such to the point that they have to have full building design nailed down to every bit and piece. What are we getting to if someone has to spend \$10,000 or more to build a building to show how it's going to fit before we approve something. We have not done that in the past; we've used sketch drawings and such, is that what we are moving to for the future; are they willing to spend a small fortune on every little bit of design before you even put in this variance request to find out if you want to spend a larger portion on it to do it. Its concerning to him if that's where we are going but does being flawed in the wording you choose filling out the variance request automatically make it be denied? He thinks that's one of the hold ups here, the building code statement used in there. Being held so tightly to that. He thinks the idea behind that was, he is assuming, deeper than that. A statement made is that the design keeps changing. Clearly back in 2014 there was information that they wanted a taller building than what was granted at that time. If we are holding so solidly to the variance request as its stated there isn't even room for middle ground, there is no room for changing anything. The whole point of a variance request is that it is a starting point to work through stuff. It goes through its committee and council. Does it need to come out exactly perfect, or do we flat out reject that, will we require a new variance application every time it goes back, or can it be modified through the committee step, or reasonable stuff with the Council. Doesn't necessarily think the council wants to have to do it as a whole every time, through every bit and piece, that's the reason for doing it through the committee portion. So, if we aren't going to be willing to work with the applicant on the details then there's no point in ever accepting variance requests because none of them are going to be perfect enough to pass. I fear the process being so inefficient that it can't ever work out for anybody and I'm afraid that's the path we are headed down based on what was said in the variance request specifically. I know what the applicants wanted back in 2014 and they were unintentionally limited to the details at that point, things didn't go necessarily right at that time, I don't think the application went entirely right this time as far as the wording on it and that's what we are stuck on, and that's where this is going awry; unnecessarily cumbersome.

Member Roth - talked about the City Comprehensive Plan and was surprised to find that 50% of Mantorville property is vacant; 50% is undeveloped and she would like to see more developed. The residential growth section pointed out that it's likely that our vacant land should be guided for residential growth consistent with past practice. Our past practice has been to permit a variety of buildings. Kyles Lawn Service has a 25' building and that's in the heart of the City. Member Blair pointed out that building is not for Kyles Lawn Service but

for the resident that owns it. As she looks at past practices, that is one that came to mind. Are we using this property in a reasonable manner? She has been driving that road and commented on her visual of a hobby farm, large horse arena, couple of homes with nice large barns, few more homes, large corn field, more homes, a building off to the left with a cupola on it for a similar use as being requested. To her the design of this building is similar if not nicer than what we currently have in that area. These are things she has taken in to account. When we look at use of space and green space its well over what we define as meeting of green space. Unless something like this comes along as a use for this property, it is likely to remain a corn field and it's a unique opportunity to see this property to become developed and we are going to see a better use of tax payer dollars. It adds to our tax base. And those are things she took into consideration. Also what she read in the comprehensive plan is that those properties that are close to the river are not likely to be developed due to the layout of the land, issues with the water. They had to go through some issues with the marsh and whatnot, and they bought enough of that area, that is not likely to be used for other things except a corn field, hay field, things of that sort. So to her we see an improvement and enhancement so to speak by having a new building and new home so doesn't see it as being inconsistent with that area it's the edge of town surround by cornfields, mixed use residential and buildings.

Mayor Bradford – each request is to be looked at on its own merits; Council can also consider any other previous considerations made on a property as an integral part of the property because those agreements have been granted but in his mind put the city in a difficult position. City needs to look at this new variance on its own merits and consider if there is a hardship that currently exists on land that would justify granting the variance. Either a good position or a bad position. The position they are in right now is that the applicants have submitted documentation that does show that there is something that they can do with the property that would meet their needs. They have also made the argument that the flat or very reduced slope line of that roof has an aesthetic value different than what the aesthetic value with the cupola and dormers would be. When he looks at what is being asked this time, try's to visualize what is being requested; 2 additional feet above or nearly double what our ordinance allows? Even if being asked to double it, does it seem like a reasonable use of the land? You can look at the topography of that land, and say that a building of that size on that slope is less intrusive than a 25' building on a flat piece of topography. Goes back to what is the process of a variance. What does the applicant need to show to justify a variance and what is the best position for the City to be in as the principal position as well as a policy decision. Each property is unique and each situation should be looked at on its own merits and situation. He was previously in favor of the original motion because he shares Member Blairs concern with property rights. How far down the road do we want to go to justify a big brother approach on saying no to the individual citizen that you can't do what you want with your private property. You go down that road as far as you can until the individual property owners rights around that existing property, then by acceptance of that variance you are now saying to those property owners that they can't do what they want to do with their property. His rationale in both these votes is consistent. And he does not feel at this time that granting the variance is in the City's or community's best interest.

City Attorney Scott Riggs explained the voting process. If you do a motion on an approval resolution and it failed, and there are reasons, which you've already stated for denying, that would be the end of the vote and the applicant can reapply immediately and you can start from that point. If you were to do a vote on a denial resolution and that were to fail for a 2-2 vote, you arguably still have a pending application sitting in front of you that could potentially be adopted by the 60 days which would be 2 weeks from tonight. That's not the way to approve public policy and most city's try to avoid that. If no action is taken it is in essence approved. An approval of a variance sets a high standard. You have to make a finding that there is something unique there that requires that this be a variance of some sort. Variances are a last resort. In a perfect world, it's the middle ground. That's what wins

out at the end of the day in most of these cases, if you can come to some understanding, the reality of what might work. The Mayor reviewed what the Council can do.

Member Blair asked about the possibility of some middle ground. Scott stated it becomes a modified application at 23', 24', or some other number. You have a pending application and the only way you get to that middle ground is working with the applicant. Voting on the denial resolution and having a 2-2 vote you still have a pending application. Voting on the approval resolution and having a 2-2 vote, statute says if there is stated reasons by those that are voting against it, it acts as a denial and allows them to immediately apply again. An outright denial means they have to wait 6 months to reapply. There are built in provisions in state statute to not allow continued denial applications from coming forth which is why he says it is much better to work on that middle ground and try to get to some agreement that everybody can live with and its easier to show that it's a sustainable decision that the Council came to and the courts will look at that.

The applicants, Mark and Ann Torkelson were asked if they would be interested in submitting a written request for a 30 day extension. Ann Torkelson replied they want a peaceful resolution that they can work through with the Council.

Mayor Bradford requested to take a break at 7:07pm - recess until 7:15.

Ann Torkelson spoke that they would like to offer the Council an extension until March 14, 2016, for a decision on the variance application. Motion made by Member Roth, second by Member Blair to accept the extension offer being extended to us by the Torkelson. Member Blair added a friendly amendment to add until March 14. Additional direction that the planning commission take the front on this and bring back the recommendation of the applicants and the legal counsel to full council. Motion passed unanimously.

Motion made by Member Blair, second by Member Roth to table the variance request. Motion passed unanimously.

b) Guy Kohlenhofer – 2016 County Rd. 12 Project

Guy Kohlenhofer, Dodge County Engineer, approached the Council to give an update on the County Road 12 project and to get approval from the City, as required by the State. The County 12 project consists of a full reclamation of the road from County 9 to Highway 57 and a partial reconstruction from the Wallin's property to Highway 57 intersection. Planning includes the addition of a little pavement on the south side for better parking but a need to ban parking on the north side. They are looking at routing pedestrians down the snow mobile trail during construction. The trail will remain in the same place. The project is due to start in the May time frame and the intention is to be done by Marigold Days.

c) RESOLUTION 2016-03 A RESOLUTION RELATING TO PARKING RESTRICTIONS ALONG COUNTY STATE AID HIGHWAY NO. 12

Motion made by Member Blair, second by Member Roth to approve RESOLUTION 2016-03 A RESOLUTION RELATING TO PARKING RESTRICTIONS ALONG COUNTY STATE AID HIGHWAY NO. 12 as presented. Motion passed unanimously.

8. TBD

- a) **Public Works Report** – Scott Larsen gave updates on the following items: Flow Meter, Jefferson Lift Station, Goat Island clean up, South side of bridge clean up, and the bridge lights. The (International) Tractor needs repairs at an estimated cost of \$800. He had Randy Eipers look at it and there is a pump that needs to be repaired/replaced. He is going to submit an estimate with labor and parts. Guy reminded us that inter agency cooperation is available if the City is ever in need of equipment. He also passed on that the Wallin's are interested in hooking up to City sewer and water.

- b) **City Clerk Report** – Cami updated the Council that the City Prosecutor, David Jacobsen, will be at the next meeting. His report is in the packet. Also think about the Spring Retreat dates and what you would like for discussion.
 - c) **Consultant Report** – none
 - d) **Committee Report**
 - Fire Department – Member Hofstad gave an update on the annual meeting that was held on Saturday night, 1 member retired and received a plaque, 15 fire calls in 2015 and 75 first responder calls. Doug Wunderlich will be retiring as of March 1. He also gave an update on training meeting date changes.
 - Park Board – Member Blair gave an update that officer elections were delayed due to lack of attendance, discuss park budget, Mantor field usage, and possibly have some interested new members.
 - e) **Council Member Report** - none
 - f) **Mayor Report** – Mayor Bradford reported that he attended the Mayor Reception in St. Paul. Unofficial vibe is that the Infrastructure Projects are still on the table and recommends we reach out to our local representatives so they know this has our attention and look favorably on their vote on it. Reminder on clearing of Fire Hydrants to all residents to help out in case of emergency. Park Board and the EDA are looking for committee members. Update on the EDA and the Stage coach days event. Looking for more volunteers.
9. **Executive Session** - none
10. **Adjourn** – Motion made by Member Blair, second by Member Hofstad to adjourn the meeting at 7:42 pm. Motion passed unanimously.

MANTORVILLE, MN

02/12/16 1:36 PM

Page 1

Payments

Current Period: February 2016

Batch Name	SUP 02 12 16	User Dollar Amt	\$4,404.66		
	Payments	Computer Dollar Amt	\$4,404.66		
				\$0.00	In Balance
Refer	0 MN PUBLIC FACILITIES AUTHORIT				
Cash Payment	E 602-49450-611 Bond Interest	MANTOR DRIVE PFA BOND INTEREST			\$1,810.12
Invoice	FEB 2016	2/12/2016			
Transaction Date	2/12/2016	Citizens State Bank	10100	Total	\$1,810.12
Refer	0 INTERNAL REVENUE SERVICE				
		Ck# 004982	2/12/2016		
Cash Payment	G 101-21701 Federal Withholding	FEDERAL WH - FEB PR 3			\$679.36
Invoice	2016-PR3	2/12/2016			
Cash Payment	G 101-21709 Medicare	MEDICARE WH - FEB PR 3			\$188.54
Invoice	2016-PR3	2/12/2016			
Cash Payment	G 101-21703 FICA Tax Withholding	SS WH - FEB PR 3			\$806.16
Invoice	2016-PR3	2/12/2016			
Transaction Date	2/12/2016	Citizens State Bank	10100	Total	\$1,674.06
Refer	0 MN PERA				
		Ck# 004983	2/12/2016		
Cash Payment	G 101-21704 PERA	EMPLOYEE RETIREMENT - PR 3			\$920.48
Invoice	2016 - PR 3	2/12/2016			
Transaction Date	2/12/2016	Citizens State Bank	10100	Total	\$920.48

Fund Summary

	10100 Citizens State Bank	
101 GENERAL FUND		\$2,594.54
602 SEWER FUND		\$1,810.12
		<u>\$4,404.66</u>

Pre-Written Checks	\$2,594.54
Checks to be Generated by the Computer	\$1,810.12
Total	<u>\$4,404.66</u>

***Check Detail Register©**

February 2016

	Check Amt	Invoice	Comment
10100 Citizens State Bank			
Unpaid			
MN PUBLIC FACILITIES AUTHORITY			
E 602-49450-611 Bond Interest	\$1,810.12	FEB 2016	MANTOR DRIVE PFA BOND INTEREST
Total MN PUBLIC FACILITIES AUTHORITY	\$1,810.12		
10100 Citizens State Bank			
	\$1,810.12		
Fund Summary			
10100 Citizens State Bank			
602 SEWER FUND	\$1,810.12		
	\$1,810.12		

*Check Summary Register©

February 2016

Name	Check Date	Check Amt	
10100 Citizens State Bank			
UnPaid	CLAREYS SAFETY EQUIPMENT	\$260.00	INSPECTION, TEST AND FILL FIRE EXTING
UnPaid	DELTA DENTAL OF MN	\$188.00	EMPLOYEE DENTAL PREMIUMS MARCH 20
UnPaid	HERO, JORSTAD & JACOBSEN,	\$490.00	JAN 2016 LEGAL PROSECUTION FEES
UnPaid	LINCOLN NATIONAL LIFE INSUR	\$151.33	EMPLOYER PAID LIFE INSURANCE AND ST
UnPaid	MANTORVILLE FD RELIEF ASSO	\$4,000.00	CITY RELIEF ASSOCIATION 2016 CONTRIB
UnPaid	MAXSON ELECTRIC	\$114.50	REPLACE LAMP SOUTH MANTORVILLE SIG
UnPaid	MENARDS - NORTH ROCHESTE	\$118.41	LIGHT BULBS, SHOP SUPPLIES
UnPaid	MINNESOTA ENERGY RESOURC	\$46.58	4299022-6 WWTP
UnPaid	MN DEPARTMENT OF HEALTH	\$583.00	MDH WATER CONNECTION FEES
UnPaid	REBER CAMILLE	\$60.29	REIMBURSEMENT FOR LUNCH MEETING W
UnPaid	RONCO ENGINEERING SALES	\$43.40	HOSE FOR FUEL BARREL
UnPaid	SAMS CLUB	\$146.65	WATER DISPENSER FOR COUCIL CHAMBE
	Total Checks	\$6,202.16	

MANTORVILLE, MN

02/19/16 11:01 AM

Page 1

Payments

Current Period: February 2016

Batch Name	WAR 02 22 16	User Dollar Amt	\$6,202.16		
Payments		Computer Dollar Amt	\$6,202.16		
				\$0.00	In Balance
Refer	0 LINCOLN NATIONAL LIFE INSURA				
Cash Payment	G 101-21711 Life Insurance Payable	EMPLOYER PAID LIFE INSURANCE AND STD			\$151.33
Invoice	FEB 2016 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$151.33
Refer	0 DELTA DENTAL				
Cash Payment	G 101-21708 Dental Insurance	EMPLOYEE DENTAL PREMIUMS MARCH 2016			\$188.00
Invoice	6384441 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$188.00
Refer	0 MANTORVILLE FD RELIEF ASSOC.				
Cash Payment	E 101-42200-124 Fire Pension Contributio	CITY RELIEF ASSOCIATION 2016 CONTRIBUTION			\$4,000.00
Invoice	1003 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$4,000.00
Refer	0 MN DEPARTMENT OF HEALTH				
Cash Payment	E 601-49400-441 MDH FEE	MDH WATER CONNECTION FEES			\$583.00
Invoice	1ST QTR 2016 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$583.00
Refer	0 MAXSON ELECTRIC				
Cash Payment	E 101-43160-381 Electric Utilities	REPLACE LAMP SOUTH MANTORVILLE SIGN			\$114.50
Invoice	5337 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$114.50
Refer	0 RONCO ENGINEERING SALES				
Cash Payment	E 101-43100-228 Equip. Repair and Maint	HOSE FOR FUEL BARREL			\$43.40
Invoice	3038361 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$43.40
Refer	0 REBER CAMILLE				
Cash Payment	E 101-41500-437 Other Miscellaneous	REIMBURSEMENT FOR LUNCH MEETING WITH CITY ENGINEER			\$60.29
Invoice	FEB 2016 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$60.29
Refer	0 SAMS CLUB				
Cash Payment	E 101-41500-445 Health and Wellness	WATER DISPENSER FOR COUCIL CHAMBERS			\$146.65
Invoice	1134 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$146.65
Refer	0 CLAREYS SAFETY EQUIPMENT IN				
Cash Payment	E 101-42200-228 Equip. Repair and Maint	INSPECTION, TEST AND FILL FIRE EXTINGUISHERS			\$260.00
Invoice	164869 2/22/2016				
Transaction Date	2/17/2016	Citizens State Bank 10100		Total	\$260.00
Refer	0 HERO, JORSTAD & JACOBSEN, P.				
Cash Payment	E 101-41600-304 Legal Fees	JAN 2016 LEGAL PROSECUTION FEES			\$490.00
Invoice	1443 2/22/2016				

Payments

Current Period: February 2016

Transaction Date	2/19/2016	Citizens State Bank	10100	Total	\$490.00
Refer	0 MINNESOTA ENERGY				
Cash Payment	E 602-49450-380 Utility Services	4299022-6 WWTP			\$46.58
Invoice	MARCH 2016	2/22/2016			
Transaction Date	2/19/2016	Citizens State Bank	10100	Total	\$46.58
Refer	0 MENARDS - NORTH ROCHESTER				
Cash Payment	E 101-43100-200 Supplies	LIGHT BULBS, SHOP SUPPLIES			\$118.41
Invoice	58448	2/22/2016			
Transaction Date	2/19/2016	Citizens State Bank	10100	Total	\$118.41

Fund Summary

	10100 Citizens State Bank	
101 GENERAL FUND		\$5,572.58
601 WATER FUND		\$583.00
602 SEWER FUND		\$46.58
		<u>\$6,202.16</u>

Pre-Written Checks	\$0.00
Checks to be Generated by the Computer	\$6,202.16
Total	<u>\$6,202.16</u>

Dodge County Board of Commissioners
Committee Agenda

Government Services Building, Conference Room B
Mantorville, MN

COMMITTEE AGENDAS

FEBRUARY 23, 2016 3:30 P.M.

3:30 P.M. CONFERENCE ROOM B	4:00 P.M. CONFERENCE ROOM JURY ROOM	4:00 P.M. PUBLIC HEALTH COMMITTEE	
3:30 P.M. ADMINISTRATION COMMITTEE	Erickson & Tjosaa (Peterson - Alt)	Action Required	Action Required
Gray & Administrator (Tjosaa - Alt)	Action Required		
3:40 P.M.	BECKY LUBAHN, Executive Assistant	V	V
<input type="checkbox"/> 1.1	Minutes of the February 9, 2016 Committee of the Whole	A	< NO ITEMS SUBMITTED THIS WEEK >
<input type="checkbox"/> 1.2	Minutes of the February 9, 2016 Meeting	A	
<input type="checkbox"/> 1.3	Minutes of the February 9, 2016 Regional Rail Authority Meeting	A	
3:45 P.M.	ROSE CULBERTSON, Taxpayer Services Director		
<input type="checkbox"/> 2.1	Review Bills	A	
3:50 P.M.	LISA HAGER, Employee Relations Director		
<input type="checkbox"/> 3.1	Personnel Agenda	A	

Dodge County Board of Commissioners
Meeting Agenda
Government Services Building, Conference Room B
Mantorville, MN

DODGE COUNTY BOARD OF COMMISSIONERS MEETING

FEBRUARY 23, 2016 – 5:00 P.M.

ALL TIMES LISTED ARE APPROXIMATE AND MAY BE DISCUSSED AT ANY TIME UNLESS IT IS A SCHEDULED PUBLIC HEARING.		
ITEM	5:00 P.M.	STEVEN GRAY, Chair CONVENE COUNTY BOARD MEETING PLEDGE OF ALLEGIANCE DETERMINE QUORUM ESTABLISH AGENDA NEW EMPLOYEE INTRODUCTIONS
1.0 1.1	-	CONSENT AGENDA <input type="checkbox"/> No Consent Agenda Items This Week
<i>Items listed on the Consent Agenda are considered routine and non-controversial by the County Board. There will be no separate discussion of these items unless requested by a member of the County Board. If an item is removed, it will be discussed immediately following the approval of the remaining Consent Agenda items.</i>		
2.0 2.1 2.2	5:05 P.M. 10 Minutes 5 Minutes	ROSE CULBERTSON, Taxpayer Services Director <input type="checkbox"/> Review and Approve Bills <input type="checkbox"/> Reserve Account Balances
3.0 3.1	5:20 P.M. 5 Minutes	LISA KRAMER, Finance Director <input type="checkbox"/> MCCC – Trimin Board Ratification
4.0 4.1 4.2	5:25 P.M. 5 Minutes 10 Minutes	LISA HAGER, Employee Relations Director <input type="checkbox"/> Personnel Agenda <input type="checkbox"/> PTO Policy
5.0 5.1	5:40 P.M. 5 Minutes	SCOTT ROSE, Sheriff <input type="checkbox"/> City and School Contracts
6.0 6.1	5:45 P.M. 5 Minutes	PAUL KILTINEN, County Attorney <input type="checkbox"/> Legal Update
7.0 7.1	5:50 P.M. 5 Minutes	RODNEY PETERSON, Public Works Committee <input type="checkbox"/> Public Works Committee Report • Highway Department Credit Card Request (Action)

Dodge County Board of Commissioners
Meeting Agenda

Government Services Building, Conference Room B
Mantorville, MN

DODGE COUNTY BOARD OF COMMISSIONERS MEETING

FEBRUARY 23, 2016 – 5:55 P.M.

8.0 8.1	5:55 P.M 25 Minutes	STEVEN GRAY, Administration Committee <input type="checkbox"/> Administration Committee Report <ul style="list-style-type: none"> • Minutes of the February 9, 2016 Committee of the Whole (Action) • Minutes of the February 9, 2016 Meeting (Action) • Minutes of the February 9, 2016 Regional Rail Authority Meeting (Action) <ul style="list-style-type: none"> • <input type="checkbox"/> County Commissioner Reports • <input type="checkbox"/> County Administrator Update • <input type="checkbox"/> Other Deferred Business
9.0	6:20 P.M.	ADJOURN

Coming up in Dodge County:

February 22, 2016 – Community Corrections Task Force Meeting, 12:00 P.M., Conference Room 1, Courthouse Annex, Mantorville, MN.

March 2, 2016 – Planning Commission Meeting, 1:00 P.M., Government Services Building, Mantorville, MN.

March 15, 2016 - Fairview Care Center Meeting, 9:00 A.M., Dodge Center, MN.

March 16, 2016 – Dodge County EDA Meeting, 4:30 P.M., Government Services Building, Mantorville, MN.

March 24, 2016 – Ice Arena Committee Meeting, 5:30 P.M., Kasson City Hall, Kasson, MN.

Dodge County Commissioners may be in attendance at these meetings.

DEFERRED BUSINESS	
1.	These are items that the County Board has previously discussed and voted to table or decided to take action on at a later date. These items may be brought back for discussion at any meeting by any County Board member.
2.	
3.	
4.	
5.	

LEAGUE OF MINNESOTA CITIES INSURANCE TRUST

2016 Safety & Loss Control Workshops



Affordable training on topics impacting your city.

LOCATIONS AND DATES:

March 22—Bemidji

March 23—Fergus Falls

March 31—Biwabik

April 6—Springfield

April 7—Willmar

April 12—St. Cloud

April 20—Brooklyn Park

April 26—Rochester

April 28—St. Paul

**ONLY
\$20**

**LUNCH &
MATERIALS
INCLUDED**

Questions? Call Kate Brenna at (651) 281-1249 / (800) 925-1122 or email kbrenna@lmc.org

Register today at: www.lmc.org/LCW16



MORNING AGENDA

ADMINISTRATIVE TRACK

8:30 – 9:30

Conflict of Interest: Know It When You See It?

Conflicts of interest can be confusing, and everyone has them—elected officials and city staff alike. Take part in this session to learn the basics and how to apply the law to specific scenarios.

SC HR EO

9:45 – 10:45

To Share or Not To Share

Has your city ever thought about sharing resources with other government entities? Find out what you should consider when sharing personnel, equipment, and other resources, and get your city started with sample agreements.

SC EO

10:45 – 11:30

LMCIT Coverage 101

Join LMCIT staff to discover coverage options that are available to your city.

SC EO

11:30 – 12:15

45 Minute Lunch (Included)

POLICE TRACK

On the Record—Managing and Messaging for Media Relations

Responding to an incident in your community often requires an on-the-spot response to reporter questions. Discover tips for planning, messaging, and preparing for press encounters, and learn media relations tips to minimize risk and reinforce public relations.

SC HR EO

Internal Employment Investigations in Police Departments—Ensuring Compliance, Avoiding Pitfalls

Join us to recognize the unique constitutional and statutory provisions that apply to internal employment investigations in the public sector. Identify potential pitfalls, discover tips for ensuring a legally sound process, and gain practical tools to avoid common issues that can arise.

SC HR

Building a Police Workforce that Reflects Your Community

Learn how your police department can increase, promote, and maintain diversity, regardless of the budget, size, or location of your city.

SC HR EO

45 Minute Lunch (Included)

PUBLIC WORKS / PARKS & REC

H₂Oh No!

Being the Land of 10,000 Lakes means that most of our cities deal with some type of body of water—and all the risks associated with them. Walk through the potential hazards with recreational use of your lakes, rivers, ponds, and streams—and how you can better manage them.

SC

Locating Wires 101

Do you have questions on state right-of-way locating requirements? MN Rural Water will take you through an explanation of the state statute and trace wire installation specification, including aspects of installations, allowable products, and acceptance before final completion.

SC

Your City's Safety Manual—A Book You Can Live By

Take an in-depth look at what safety policies, programs, and training requirements your city needs to have a safe, successful, and effective safety culture.

SC HR EO

45 Minute Lunch (Included)

EO Also suggested for elected officials

HR Also suggested for human resources staff

SC Also suggested for small cities staff

Register today at: www.lmc.org/LCW16

AFTERNOON AGENDA

ADMINISTRATIVE TRACK

TECHNOLOGY TRACK

NEW
FOR 2016!

INSURANCE AGENTS TRACK

12:15 - 1:15

[ADMINISTRATIVE/TECHNOLOGY TRACK COMBO]

Protecting and Preserving Important Data in a Practical Way

Explore methods of keeping computer systems secure by improving the weakest security link: the people who use computers. Learn how social engineering techniques can be used to access private data, and how educating city staff can be a critical component of cyber security.

SC HR EO

EO

Covered or Not? Be Aware of These Covered Parties and Exclusions

Dive into who is covered and who is not covered under LMCIT coverage documents and discuss coverage exclusions that agents should understand.

1:15 - 1:45

[ADMINISTRATIVE/TECHNOLOGY TRACK COMBO]

New Technology Impacting Cities

What impact is new technology having on your city? Keep your information secure as you learn about cyber data breach claims, and what your city should do if you suspect a breach. Plus, receive tips on using new technology including body cams, EMV chips, and drones.

SC HR EO

EO

LMCIT Updates

Don't miss important LMCIT updates! Review recent updates and coverage changes in the property/casualty and workers' compensation programs.

2:00 - 2:30

Let's Get Prepared: City Hall Security

City hall security, safety at meetings, and nationwide tragedies are topics all cities need to take seriously. Review newly developed tools to evaluate your risk, learn how to be proactive, and discover how to develop a zero tolerance policy and a threat response plan.

SC HR EO

The Treasure Trove of Computer Information

Resources and computer security don't have to break the bank. Learn what is available to cities at little or no charge that can help you securely manage your city's technology.

SC EO

What's Up with Loss Control?

Meet our LMCIT "fully animated" slate of loss control characters, and find out what we are up to next—new survey tools and resources for police liability, data security, general liability for public works and parks & recreation, city hall security, and more.

EO

2:30 - 3:30

City Hall Security
(continued)

SC HR EO

Dilbert and Catbert: Global Domination Through Proper Policies

Creating technology policies is a collaborative process. Understand the role both technology professionals and HR professionals play in creating policies to assist employees in making smart technology decisions.

SC HR EO

Property/Casualty Claim Experience & Lessons Learned

What types of claims does LMCIT incur, and which are the most costly? Review member loss control measures that have positively affected losses and lessons learned on more recent types of claims, learn how agents can assist on claims, and visit the importance of prompt notification of a loss.

EO



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- Learn about new regulations and laws that affect you
- Get tips for managing risks and common safety challenges
- Discover technology resources for your city
- Find out how to keep your data secure
- Network with peers from neighboring cities

WHO SHOULD ATTEND?

Administrators/clerks
Agents working with cities
Elected officials
Human resources professionals
Parks & rec professionals
Peace officers
Public works professionals
Staff from small cities
Technology professionals

**CONTINUING EDUCATION CREDITS/
CONTACT HOURS SOUGHT FOR:**

- Claims adjuster credits
- Insurance agent credits
- POST credits
- Water and wastewater operator contact hours

LEAGUE OF MINNESOTA CITIES INSURANCE TRUST

2016 Safety & Loss Control Workshops

**NEW FOR 2016!
TECHNOLOGY TRACK FOR
ALL CITY EMPLOYEES**

Register today at: www.lmc.org/LCW16

**DODGE COUNTY
PLANNING COMMISSION
PUBLIC HEARING NOTICE**

The Dodge County Planning Commission will meet **Wednesday, March 2, 2016 at 1:00 PM** in the south wing of the Government Services Building (old school) in Mantorville, MN. Listed below are items that will be included on this meeting agenda. Public comment will be received during the public hearing portion of the meeting. When the public hearing portion is closed the Planning Commission will act on the requests.

The public hearing is to consider an application for a Conditional Use Permit to allow a Solar Energy Farm in the Ag District. The parcel is 160 acres and the Solar Energy Farm (Solar Garden) will cover approximately 50 acres located in the E ½ of the SW ¼, Section 25 Mantorville Township. DodgeSun LLC is the applicant and Michael Sullivan is the property owner.

Written comments will be accepted up to one day prior to the meeting. If comments exceed one page you must include 15 copies. Address any written comments to the Dodge County Environmental Services, 721 Main St N – Dept. 123, Mantorville, MN 55955. A location/site map for each public hearing proposal will be available for review on the Dodge County web site under the Environmental Services department's calendar page. www.co.dodge.mn.us . Please contact the Dodge County Environmental Services at (507) 635-6272 if you have any questions.

ANNUAL MUNICIPAL PROSECUTION REPORT

MANTORVILLE, MINNESOTA

2015

Prepared by: David W. Jacobsen, Mantorville City Prosecutor

HERO, JORSTAD & JACOBSEN LAW FIRM, P.A.

February 6, 2016

February 6, 2016

Honorable Mayor and City Council
City of Mantorville
22 6th St E
Mantorville, Minnesota 55955

RE: ANNUAL MUNICIPAL PROSECUTION REPORT

This written report is to apprise the Honorable Mayor and the Mantorville City Council of the municipal prosecution services provided by Hero, Jorstad & Jacobsen Law Firm, P.A. (“Law Firm”) for 2015. The City of Mantorville has a statutory obligation to provide for prosecution of adult misdemeanor and petty misdemeanor offenses within the city limits. The City of Mantorville has contracted with the Law Firm since August 2014 for such services on an as-needed basis for a fee of \$100 per hour of attorney time.

1. PROSECUTED OFFENSES

Prosecuted offenses include all charged offenses that required prosecutorial action before Dodge County District Court. For the purposes of this report, prosecuted offenses do not include payable citations paid in lieu of a court appearance. These citations, which make up the majority of citations issued by law enforcement within the City of Mantorville, require minimal prosecutorial resources. The Dodge County Sheriff’s Office would likely be able to provide the number of citations issued for payable offenses with the city limits. Prosecuted offenses also exclude matters that were reviewed for prosecution but where no charges were filed. There were cases reviewed for prosecution but were ultimately declined due to lacking evidence, lacking jurisdiction (e.g. Juvenile matters, felony matters, outside of Mantorville city limits), or other extenuating circumstances.

Excluding payable citations, Mr. Jacobsen prosecuted twenty (20) offenses from January 1, 2015 to December 31, 2015.

A. Traffic Offenses

Of these offenses, eleven (11) or fifty-five percent (55%) consist of traffic offenses. Traffic offenses prosecuted consist of the following: DWI (2), driving after withdrawal (4), driving with no proof of insurance (2), and miscellaneous petty offenses (3).

[This section is intentionally left blank; please see Chart No. 1 on the next page]

TRAFFIC OFFENSES

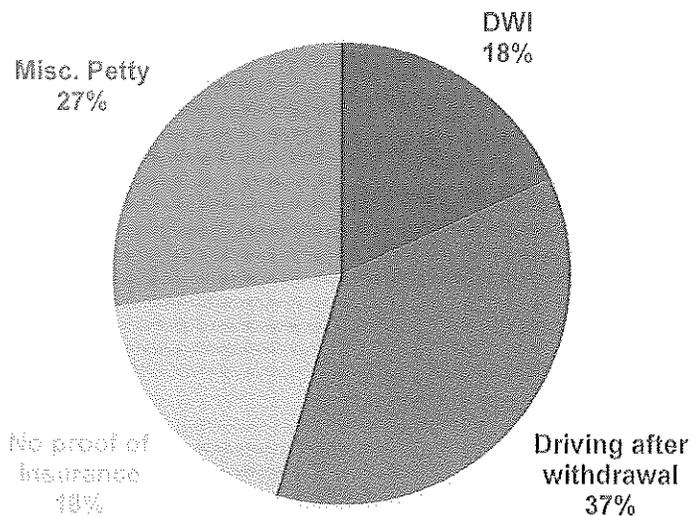


Chart No. 1: Traffic Offenses

B. Community Offenses

Of the prosecuted offenses, nine (9) or forty-five percent (45%) consist of community offenses. Community offenses prosecuted consist of the following: probation violations or revocations of stays of adjudication (3), disorderly conduct (4), miscellaneous offenses (2).

COMMUNITY OFFENSES

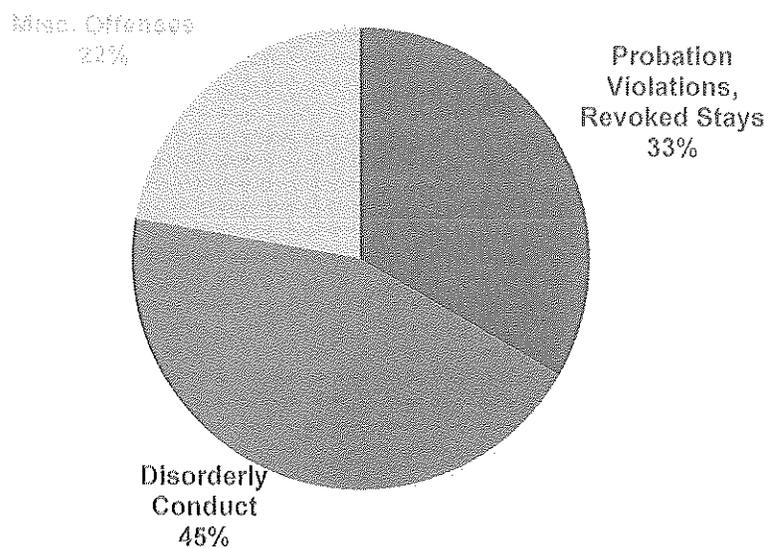


Chart No. 2: Community Offenses

C. Dispositions

For the above-mentioned offenses, eighteen (18) or ninety percent (90%) have reached disposition and are closed. Dispositions ranged from dismissals with a fine to executed jail sentences based upon the severity of the offense and the defendant’s driving and criminal history. Of those cases that reached disposition, dispositions occurred at different stages in the criminal prosecution process. Many cases were resolved at Arraignment or the defendant’s first court appearance and others were resolved at a pre-trial court appearance, omnibus hearing or trial. As of December 31, 2015, only one single file remains open and one with a warrant.

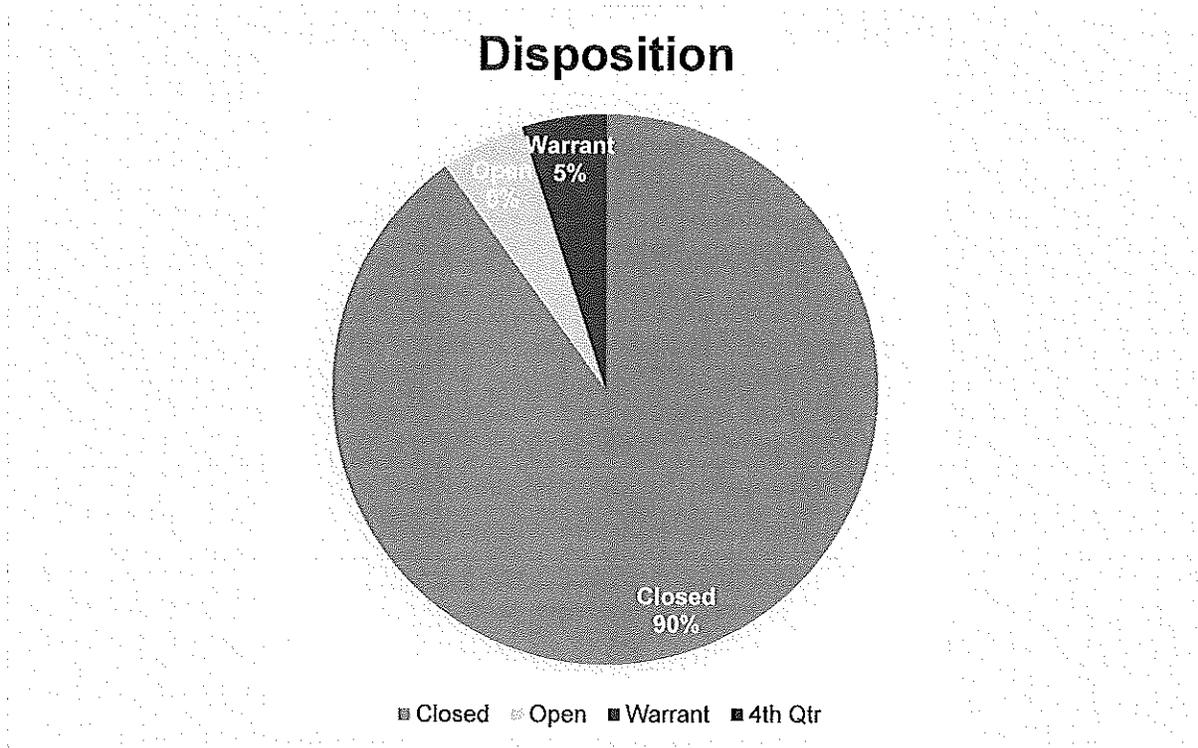


Chart No. 3: Disposition

2. PROSECUTION RESOURCES

In 2015, the Law Firm has submitted monthly statements to the Chief of Police and city staff detailing prosecutorial services provided on specific dates and the time spent toward such services in 1/10 hour increments.

Over the course of 2015, the highest monthly total of hours toward prosecutorial services was 13.2 hours in March, whereas in February, the lowest, the Mantorville City Prosecutor provided only provided 1.0 hours of prosecution services. The average amount of monthly hours spent toward prosecution services is seven (7) hours per month in 2015.

The Law Firm make court appearances on Mondays and Wednesdays and other appearances scheduled outside those days. In addition to court appearances, the Law Firm prepares criminal

complaints, communicates with defense counsel and crime victims, processes discovery requests, prepares discovery and pleadings, and communicates with law enforcement officers and records staff. The most time intensive of these out-of-court services is preparing criminal complaints. Of the twenty (20) total prosecuted offenses, the Law Firm filed three criminal complaints, that being fifteen percent (15%) of the prosecuted cases.

In addition to the services mentioned above, the Law Firm devotes time to collaborating with other criminal justice partners in Dodge County, reviewing court opinions that impact the City of Mantorville and attend continuing legal education to stay current on changes in the law, especially in the area of DWI law. This is time necessary to competently advise and represent the City of Mantorville but is not solely for the benefit of the city so is not reflected on the monthly statements.

It has been my pleasure serving the City of Mantorville as its municipal prosecutor and I look forward to continuing that public service in 2016. If you have any questions please feel free to contact me. I welcome additional suggestions and questions from law enforcement, city staff, city council and the public.

Sincerely,

HERO, JORSTAD & JACOBSEN LAW FIRM, P.A.



David W. Jacobsen

MANTORVILLE CITY PROSECUTOR

CITY OF MANTORVILLE

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 31.38 AND 150.111 OF THE CITY CODE
RELATING TO VARIANCES IN THE CITY OF MANTORVILLE.

THE CITY COUNCIL OF THE CITY OF MANTORVILLE, MINNESOTA, ORDAINS:

Section 1. Section 31.38, paragraph (F) of the Mantorville City Code is hereby amended by deleting the ~~stricken~~ language and adding the double-underlined language as follows:

(F) *Variances.* All applications for variances shall be referred to the ~~Planning Commission. The applications shall be forwarded with or without recommendations directly to reviewed by the~~ City Council for its decision. Variances may be granted from the literal provisions of an ordinance only where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration as authorized by City Code § 150.111 and M.S. § 462.357, Subdivision 6(2) as it they may be amended from time to time.

Section 2. Section 150.111 of the Mantorville City Code is hereby amended by deleting the existing language in its entirety and replacing it with the following double-underlined language:

(A) Purpose. Variances are intended to provide a means of departure from the literal requirements of the Zoning Ordinance where strict adherence would cause practical difficulties because of unique circumstances related to the property. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. It is not the intent of this section to allow a variance for a use that is not permitted within a particular zoning district.

(B) Application. Any person having a legal or equitable interest in a property may file an application for a variance. An application for a variance shall be filed with the City Clerk-Treasurer on an approved form and shall be accompanied by a site plan with a certificate of survey at a scale large enough to show the following information clearly: (1) location and dimensions of the lot, buildings, driveways, and off street parking spaces; (2) the distance between the building and front, side, and rear lot lines, the principal building and accessory buildings, the principal building and principal buildings on adjacent lots; (3) the location of signs, easements, underground utilities, and related facilities; and (4) any additional information deemed necessary by the City to facilitate review.

(C) Hearing and Action. The City Council shall hold a public hearing on each valid and complete application. After the close of the hearing on a proposed variance the City Council shall make findings pursuant to this section. The City Council shall make the final decision regarding all applications for a variance. Approval shall require a majority vote of the City Council.

(D) Required Findings. The City Council shall not vary the requirements of the Zoning Ordinance unless it makes each of the following findings based upon the evidence presented to it in each specific application:

(1) The variance is in harmony with the general purposes and intent of the City Code.

(2) The variance is consistent with the Comprehensive Plan.

(3) The applicant proposes to use the property in a reasonable manner not permitted by the City Code.

(4) Unique circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.

(5) The variance does not alter the essential character of the neighborhood.

(6) The variance requested is the minimum variance which would alleviate the practical difficulties.

(7) Economic conditions alone do not constitute practical difficulties.

(E) Conditions and Guarantees. The City Council may impose such conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by the City Code, to reduce or minimize the effect of such variance upon other properties in the neighborhood, or to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(F) Expiration. If substantial development or construction has not taken place within one (1) year of the date of approval of a variance, such variance shall be considered void unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the variance and shall state facts showing a good faith effort to complete work permitted under the original approval.

Section 3. This ordinance shall be in full force and effect upon its passage and publication.

Passed by the City Council of the City of Mantorville, Minnesota, this ____ day of February, 2016.

Chuck Bradford
Mayor

ATTEST:

Camille Reber, City Clerk Treasurer