

TUESDAY, FEBRUARY 14, 2006

**APPROVED MINUTES OF THE
COMMITTEE OF THE WHOLE MEETING HELD**

**STATE OF MINNESOTA)
DODGE COUNTY)**

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-03 C.O.W.

The Dodge County Commissioners met in Committee of the Whole February 14, 2006, in the Commissioner's Room at the Dodge County Courthouse Annex, Mantorville, MN, at 9:00 a.m. CST. David Erickson opened the meeting at 9:05 a.m. CST.

Meeting Convened

The Chair acknowledged those present:

Those Present

Members present:	Klaus Alberts	District #1
	Lyle Tjosaas	District #2
	David Erickson	District #3
	David Hanson	District #5
Members absent:	Don Gray	District #4
Also present:	Becky Lubahn	Deputy Clerk
	Wendell Engelstad	County Assessor
	Roger Brand	County Surveyor
	Duane Johnson	Planning Director

County Assessor Wendell Engelstad met with the Board to discuss the proposed Land Division Ordinance. Mr. Engelstad reported that the ordinance has been in the works for the past several months and that the ordinance was developed by the Development Committee, comprised of ten county staff members who deal with land and development issues. This group has been meeting on a monthly or bi-monthly basis since last August. One of the important issues identified early on was the need to more clearly define the legal descriptions of the parcels within the county. The committee felt that the ideal time to do this is when deeds are brought in for recording and reviewed for accuracy by the Deputy Auditors in the Assessor's office.

Proposed Land
Division Ordinance
Discussion

The County Assessor informed the Board that the committee has written a proposed Land Division Ordinance which identifies the situations in which a Certificate of Survey and remainder description will be required if adopted. The Land Division Ordinance also defines the terminology used in describing the rules of this ordinance.

Proposed Land
Division Ordinance
Discussion -
Continued

Mr. Engelstad stated that a number of departments such as the Assessor, Auditor, County Attorney, Recorder, Planning and Zoning, and GIS have a stake in this ordinance. All of these offices have put extensive hours into clarifying inaccurate or incorrect legal descriptions. The County Assessor reported that he polled ten other counties in our region and most of them do not have a policy requiring legal descriptions, however they would like to. Attorneys and title companies would prefer to see Certificates of Survey with their clients' deeds to make their jobs easier and to reduce their exposure to litigation. Registered surveyors would not necessarily find their jobs any easier, but their responsibilities should be better defined and they would gain more business as a result of this ordinance.

Commissioner Erickson wanted to know what the committee was actually proposing.

The County Assessor informed the Board that every property that changes hands would require a survey, this would include property that is difficult to describe and could include parcels within city limits.

Commissioners discussed the possibility of the sales process being extended due to the new requirement that a survey be done on all properties than change hands.

Mr. Engelstad reported that most of the time surveys are currently being done but they are not recorded.

Commissioner Erickson wanted to know if the proposed ordinance would require that the survey be recorded and if there would be an additional fee for recording the document.

County Surveyor Roger Brand confirmed that a survey would now have to be recorded in the Recorder's Office if the ordinance was put on place.

The County Assessor indicated that the added cost of implementing this ordinance would be the cost of hiring a surveyor.

Commissioner Alberts stated that he did not see the need for the survey if the sale did not involve a split of the property. Mr. Alberts wanted to know if the surveying could be done with the assistance of GPS information.

Mr. Brand informed the Board that once a property is located and monumented they could use GPS information to complete a survey, however that information is not yet available for all parcels in the county.

Commissioner Hanson noted that in reviewing the information received from the County Assessor that Steele County surveys all splits of less than 40 acres and that he liked this concept.

Mr. Engelstad indicated that they took the 40 acre reference out because they felt it was more appropriate to describe the parcel or land rather than the size.

Proposed Land
Division Ordinance
Discussion -
Continued

Planning Director Duane Johnson reported that if property owners split a parcel they must also meet Planning and Zoning regulations.

It was Commissioner Hanson's opinion that the ordinance would bring the communication between the offices together.

Commissioner Erickson wanted clarification on what the process of a sale would be with the new ordinance in place.

Mr. Engelstad informed the Board that with the ordinance in place the deed would now be brought to the Assessor's Office and reviewed by his staff. The individuals would also bring with them a registered survey. This helps Jeff Mieras in Information Systems with GIS information and would be beneficial because all of the information would be available electronically. It was noted that a survey would also be required on the remainder of the split.

Commissioner Erickson wanted to know where Planning would come into the process.

Mr. Johnson indicated that they would now be able to review the information as it came in.

The County Assessor reported that currently they do not get survey information with building information, this ordinance would change that. They would now know if there is anything within 100 feet, including building structures.

Commissioner Tjosaas stated that this ordinance would protect landowners and future homeowners from purchasing land that they could not build on.

Mr. Engelstad reported that the ordinance would alleviate the problem of people not getting what they perceived they were getting due to legal description errors.

There were some questions on the process of recording inaccurate information.

The Planning Director informed the Board that the Recorder has to record documents whether or not the legal description is correct.

Commissioner Erickson wanted to know if a parcel would have to be re-surveyed if it changed hands in a short amount of time.

Mr. Engelstad stated that another survey would not be necessary since a current survey would already be available.

Mr. Johnson reported that he did not feel the surveying process was overkill because they are in need of the information. The Planning Director believes there is a need to maintain accurate records for the future and noted that there are some really bad descriptions out there that are overlapping.

Commissioner Alberts indicated that part of the problem with the legal descriptions is that fence lines which once marked property lines have now been changed.

Proposed Land
Division Ordinance
Discussion -
Continued

Commissioner Tjosaas voiced his opinion that changes of parcels from father to son are issues as well, surveys have not been done on these parcels of land.

The Planning Director stated that ultimately the ordinance will help tax revenue. There may be parcels that are not being taxed or taxed on the wrong size.

Commissioner Erickson indicated that he would like to get Commissioner Gray's input on this subject and that the purpose of the meeting today was to be able to ask questions.

Mr. Engelstad informed the Board that many of the sales currently taking place require a survey be completed, he estimated that 80% of the sales currently require surveys. The ordinance would now require that all sales be surveyed.

Commissioner Erickson reiterated that their intent with the creation of the ordinance was to protect property owners, not just to keep better records.

The County Assessor reported that it is a benefit to everyone that plays a part in the sales process to require surveys and recognized that there is some added cost to require the survey.

Commissioner Erickson noted that the implementation of the ordinance would increase the County Surveyor's work load and wanted to know if Mr. Brand felt he would be able to keep up with the demand.

It was the County Surveyor's opinion that he could keep up with the work since most of the surveying is already being done.

Commissioner Tjosaas indicated that another thing to take into consideration is the fact that Dodge County is becoming an urban county with the continued growth that we are experiencing.

Mr. Engelstad suggested that we obtain input from each of the cities on the proposed ordinance.

Commissioner Erickson thanked the County Assessor, County Surveyor and Planning Director for the information.

The Chair adjourned the meeting at 9:33 a.m. CST.

Meeting Adjourned

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: