

THURSDAY, FEBRUARY 23, 2006

**APPROVED MINUTES OF THE
SEPTIC ORDINANCE PUBLIC HEARING HELD**

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-01

The Dodge County Board of Commissioners met in special session February 23, 2006, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 7:00 p.m. CST. David Erickson, Chair called the County Board of Commissioners meeting to order at 7:00 p.m. CST.

Meeting Convened

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

Those Present

Members present:	Lyle Tjosaas	District #2
	David Erickson	District #3
	Don Gray	District #4
	David Hanson	District #5
Members absent:	Klaus Alberts	District #1
Also present:	David McKnight	County Administrator
	Mark Gamm	Environmental Quality Director
	Sandy Schaefer	Septic System Coordinator
	Ken Folie	Assistant Feedlot Officer/Zoning Administrator

Environmental Quality Director Mark Gamm discussed the proposed changes in Section 1.2 of the draft revised ordinance.

Revised Septic
Ordinance
Discussion

Septic System Coordinator Sandy Schaefer presented information on the counties role in sewage system compliance, how systems work, what failing systems are, etc. Dodge County has approximately 1,700 systems they do not know the condition of, approximately 1,200 are assumed to be failing.

Mr. Gamm talked about the percentage of well samples that contain high nitrate levels and bacteria. The Environmental Quality Director talked about the current county enforcement methods.

Ms. Schaefer discussed the proposed changes to the septic ordinance. Proposed changes are as follows:

SUMMARY OF CHANGES

Revised Septic
Ordinance
Discussion -
Continued

**DODGE COUNTY
SEWAGE AND WASTEWATER TREATMENT ORDINANCE NO.3****SECTION 1. INSPECTIONS FOR EXISTING SYSTEMS**

1.1. Only a qualified employee or authorized licensee or licensed Designer I or Inspector independent of the owner and the installer shall conduct an inspection when a compliance inspection is required for an existing Individual Sewage Treatment System (ISTS). A copy of the Certificate of Compliance or Notice of Non-Compliance resulting from a compliance inspection shall be provided to the property owner and the Department within 30 days of the inspection.

1.2. **Additional Requirements.** In addition to requirements set forth in MN Rule Chapter 7080 and MN Statute 115.55, Dodge County shall require a compliance inspection when any of the following occur:

A. Prior To Adding Living Space to an Existing Dwelling

including 4-season porches but not including 3-season porches, decks, kennels, shops, garages, additions less than 120 square feet, or additions and other structures that do not provide year-round living space to a dwelling. Dwellings with a Certificate of Compliance less than 10 years old on file with the County are exempt. If a living space addition is requested between November 1 and April 30 the Department may authorize the Zoning Permit with the requirement that an Individual Sewage Treatment System Compliance Inspection be completed by the following June 1 and submitted to the Department within 30 days.

B. Replacement Dwelling: When replacing an existing dwelling.

The size of the system must be in compliance with MPCA sizing requirements.

C. Bedroom Addition: When adding a bedroom to an existing dwelling. If a request is received between November 1 and April 30 the Department may issue a permit immediately with the requirement that an Individual Sewage Treatment System (ISTS) compliance inspection be completed by the following June 1 and submitted to the Department within 30 days.

D. Complaint: When a written complaint is filed with the Department. Complaints must be submitted in writing and signed by the person making the complaint.

E. When a Discharge to the Road Right-of-Way is Observed During Construction Within the Road Right-of-Way. All properties having a direct discharge to the road right-of-way will constitute an Imminent Threat to Public Health or Safety and will need to be upgraded within 10 months of the notification to the Department. The County or Township will not compensate landowners for required repair or replacement of septic systems that are failing or that are located in the road right-of-way.

Revised Septic Ordinance Discussion - Continued

F. Prior to the Sale or Transfer of Property. A Compliance Inspection must be conducted prior to the sale or transfer of any property unless:

1. The tract of land is without buildings or contains dwellings or other buildings without plumbing fixtures or sewage treatment systems.
2. No Certificate of Real Estate Value is required, as per Minnesota Statutes, Chapter 272.115 and as amended from time to time.
3. The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through joint tenancy, of testamentary nature, trust document, or by foreclosure or cancellation of contract for deed.
4. The property is being refinanced by the owner.
5. The sale or transfer completes a contract for deed entered prior to the effective date of this Ordinance. This subsection only applies to the original vendor and vendee of such a contract.
6. The dwelling or other building is connected to a municipal wastewater treatment system or is connected to a shared community system with operating agreements and monitoring plans.
7. An existing Certificate of Compliance has been issued for the property within the last 10 years, and is on file in the Department.

The Findings of the Compliance Inspection and other relevant information must be disclosed at the time of sale or transfer of title or property on a "Sewage Disclosure Form" available at the Department. If the Sewage Disclosure Form reveals that the ISTS is failing, a Sewage Responsibility Form must be signed by the seller and the buyer prior to the sale or transfer of title of the property. The Sewage Disclosure Form and Sewage Responsibility Form must be filed with the County Recorder at the time of transfer of title or property.

Alternative Process Due To Weather Conditions: In those times of the year when the ground is frozen and a compliance inspection cannot be completed, the compliance inspection must be completed by the following June 1 and submitted to the Department within 30 days. A Sewage Responsibility Form must be completed and the seller or buyer must establish an escrow account to be used to inspect the septic system and to bring it into compliance if determined to be failing or non-compliant. The account shall be established in a financial institution mutually agreed upon and may be jointly controlled by seller and buyer. The amount to be deposited in the escrow account shall be determined by the Department. All costs associated with the repair or replacement of a failing or non-compliant system shall be the responsibility of the seller, or as otherwise provided for in written agreement between the seller and buyer. Dodge County must be named in the escrow document as the release agent. An alternative financial assurance method may be allowed under agreement with seller, buyer, and the Department. The County is not financially liable if escrow or substituted financial assurance is not adequate to repair a failing ISTS.

Revised Septic Ordinance Discussion - Continued

* Include expected county activity slide here and budget estimate here.

The estimated increase in cost for the implementation of Sewage and Wastewater Treatment Ordinance No. 3 is as follows:

70% increase in labor to review 52 additional septic permits and inspect 52 new septic installations.	\$19,000
15% increase in labor to provide education, and technical assistance.	\$4,000
15% increase in labor to enforce ordinance, track compliance, and maintain records.	\$4,000
7% increase in printing, advertising, phone, office supplies, etc.	\$2,000
Subtract expected permit fees	(\$9,000.00)
Total additional general revenue required	\$20,000.00

Commissioner Erickson opened the meeting to the public at 7:25 p.m. CST.

Meeting Opened to the Public

Mark Moenning asked about Task Force recommendations on older farm sites? Mark Gamm stated that they were not included because they were regulatory.

Question and Answer Session

John Buckingham asked about the county determining the escrow amount. Sandy Schaefer stated that they would use bids if available. Typically they use a bid plus 50% to cover costs.

Steve Crull asked if alternate systems could be used to solve problems? Sandy Schaefer stated they could be used. Mr. Crull was concerned that if a system is in compliance it means no leaking and two feet of separation from drain field. His concern is that some people may assume everything is fine because they have a certificate of compliance. Mr. Crull would like to see language regarding size of households to protect liability. Staff will look at options.

Question and Answer
Session - Continued

Corky Buckingham asked if transfer requirement is new and required on every transfer? Ms. Schaefer stated that if it is not exempt it needs an inspection unless it meets one of the listed exceptions.

Commissioner Lyle Tjosaas clarified that the property transfer is the key.

Corky Buckingham asked what is the red flag? Sandy Schaefer stated the CRE filing. This trigger may be found after property changes hands.

Dan Rabbe asked if the county has a list of those inspected in the past ten years. Ms. Schaefer stated yes.

Lowell Trom asked about systems working in heavy ground? Steve Crull stated it depends on if it is designed properly.

John Buckingham asked what are the alternate systems? Mr. Crull stated aerobic tanks, exotic types, and drip systems. Mr. Buckingham stated the amount of use is important and people need to understand septic systems.

Ken Olson shared an example of a septic system owner's guide.

Commissioner Dave Hanson asked about the number of years between pumping. Sandy Schaefer stated the state rule is three years.

Steve Crull stated that Faribault County is developing a county guide.

Lowell Johnson asked about the water table east of Dodge Center. Mr. Crull stated it is about one foot.

Ken Olson stated that Milton Citizen Task Force thought that this is a good idea.

Commissioner Don Gray asked about the effective date? Sandy Schaefer stated that June 1st is a state rule and if we extend it that would be less restrictive and not a good idea.

Robert Scherger asked about including children and contract for deed in section 1.2 F? Sandy Schaefer stated spouse is related to divorce or death in the family. COD portion is related to the date.

Steve Crull stated that COD is property transfer. Sandy Schaefer stated yes.

Mark Moenning stated the education of people with septic systems is important. He felt that the finance options presented are simple but banks do not always like to deal with it. We may need to educate the banks.

Question and Answer
Session - Continued

Commissioner Dave Erickson thanked everyone for coming and informed those present that the board will consider these changes on February 28, 2006.

Commissioner Erickson closed the public hearing at 7:52 p.m. CST.

Public Hearing
Closed

Motion by Hanson seconded by Gray to adjourn the meeting at 7:53 p.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

DAVID MCKNIGHT
CLERK

DATED: