

TUESDAY, MAY 23, 2006

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

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

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-10 C.O.W.

The Dodge County Commissioners met in Committee of the Whole May 23, 2006, in the Commissioner's Room at the Dodge County Courthouse Annex, Mantorville, MN, at 9:00 a.m. CDT. David Erickson opened the meeting at 9:00 a.m. CDT.

Meeting Convened

The Chair acknowledged those present:

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
	Duane Johnson	Planning Director
	Mark Gamm	Environmental Quality Director
	Paul Kiltinen	County Attorney
	Guy Kohlhofer	County Engineer

Planning Director Duane Johnson shared with the Board a list of junk yards located in Dodge County. Mr. Johnson reported that recently and typically this time of year, the subject of discarded or junk vehicles is brought to the county's attention. For years the county has been in some level of enforcement on any number of sites where there is a chronic non-compliance issue or an individual just disregards any administrative efforts for enforcement action by way of a formal letter.

Junk Yard Discussion

The Planning staff is proposing a more active and effective enforcement level with the help of the County Attorney. Mr. Johnson reported that his office is seeking assistance from the County Board in prioritizing the list of problem sites.

The Planning Director noted that in 2003 each township was asked to identify known sites of junk vehicles or junky yards. Mr. Johnson informed the Board that they received responses from several townships but not all. The Planning Office would like to have the townships reply to a similar request after today's meeting to explain the county's plan for cleanup of these sites.

Commissioner Erickson wanted to know if any of the sites listed have gone through Planning to obtain a permit for a junk yard.

Mr. Johnson stated that none of the properties listed have permits.

Commissioner Hanson inquired as to how many junk yards were permitted within the city.

Junk Yard Discussion
- Continued

The Planning Director reported that L& D and S&S are the only junk yards in Dodge County that have permits.

County Administrator David McKnight clarified that there are three to four sites that the Board would like to see action on and noted that the Planning Office is already addressing these issues.

County Attorney Paul Kiltinen informed the Board that zoning ordinance violations are handled by the Sheriff's Office and that they are handled differently than most other violations in that zoning enforcement would probably not be seen as a priority by most Deputies. Mr. Kiltinen suggested that an alternative process would be to go through the civil process to address zoning violations. Violators would go before a judge and be given a timeframe for cleaning up the property. The first step in this process would be to send a letter from Planning and Zoning. The second step would be to consider issuing a ticket for a violation if warranted. The third step would be to issue a violation of Zoning Ordinance notice and have the Sheriff's Office conduct an investigation of the yard.

Commissioner Erickson wanted to know if the investigation of the yard was something that could be contracted out.

The County Attorney indicated that there are individuals that can do this type of work. Mr. Kiltinen reported that we may want to initially contract out this investigative work. The County Attorney stated that he was looking for some type of consensus from the Board and that the outcome of their decision would ultimately change the way we do business.

Commissioner Tjosaas reminded the Board that Dodge County does have a Zoning Ordinance and commented that they should follow the ordinance and enforce it.

Environmental Quality Director Mark Gamm informed the Board that his office has discussed the idea of hiring someone that will do compliance checks for conditional use permits, septic permits, etc.

Commissioner Hanson commented on individuals that want to run legitimate junk yards in the county.

Mr. Johnson stated that his office needs to take junk yards and salvage yards out there and bring them into compliance. The Planning Director clarified that anything over five unlicensed vehicles on a property is in violation of the Zoning Ordinance.

Commissioner Alberts wanted to know what the penalty is for a violation.

The County Attorney discussed penalties for violations. Mr. Kiltinen noted that violators could be charged with a misdemeanor, but that Dodge County has not in the past issued any misdemeanors. Another option would be to collect civil penalties.

Junk Yard Discussion
- Continued

Commissioner Erickson wanted to know if a penalty could be attached to property taxes.

The County Attorney was not sure if a penalty could be attached to property taxes.

Commissioner Alberts voiced his opinion that some type of fine should be issued for violations.

Mr. McKnight stated that he was more interested in getting these sites cleaned up than issuing violations.

The Planning Director informed the Board that they are currently in a lawsuit with a junk yard. Mr. Johnson noted that this lawsuit has drug on for years and that the property is still not in compliance.

Mr. Gamm reported that he and Mr. Johnson have been working with these issues for years and that they now need professionals to go in and conduct investigations of the properties in question.

The Planning Director noted that they have budgeted \$9,000 for this expense and figure that it will take 20-30 hours to investigate each site.

Commissioner Alberts was interested in finding out how old the junk yard list was that was distributed by the Planning Director.

Mr. Johnson stated that some of the properties listed are old, some are new and that the problem is not going away.

Commissioner Gray wanted to know what the process was for determining which sites were priority sites.

The Planning Director indicated that the most obnoxious sites would be targeted as priority sites.

Commissioner Alberts stated that it was his opinion that Dodge County has enough staff to follow up on these concerns.

Mr. Gamm informed the Board that we do not have the staff to do the follow up nor the expertise.

The County Administrator reported that he will work with the Board to determine which sites are priority sites. The County Attorney was asked to work with the judge to see how he wants to deal with these concerns.

The Chair adjourned the meeting at 9:29 a.m. CDT.

Meeting Adjourned

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: