

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MARCH 28, 2006

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Peterson, Kriesel, Pulkrabek, and Hegberg. Commissioner Stafford absent. Board Chair Pulkrabek presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Sue Harris, First Assistant County Attorney; Kevin Corbid, Director of Assessment, Taxpayer Services and Elections; Bogdan Filipescu, Assessment, Taxpayer Services and Elections; Dan Papin, Community Services Director; Patrick Singel, Deputy Community Services Director; Robert Crawford, Workforce Center Division Manager; Wayne Sandberg, Deputy Director of Transportation and Physical Development; Keith Potter, Facilities Manager; Tom Adkins, Community Corrections Director; Lowell Johnson, Director of Public Health and Environment; Steve Pott, County Sheriff; Cindy Koosmann, Recorder; Jeneen Johnson, Deputy Human Resources Director; Nancy Brase, Administrative Services Manager; and Steve Nelson, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE AUDIENCE

The Board Chair asked for comments from the audience; none were heard.

CONSENT CALENDAR

Commissioner Peterson moved, seconded by Commissioner Kriesel to adopt the following Consent Calendar:

1. Approval of the March 14 and 21, 2006 Board meeting minutes.
2. Approval to appoint Raymond Stevens, West Lakeland Township, to the Groundwater Advisory Committee, to a first term expiring December 31, 2007.
3. Approval of application for on sale and Sunday liquor license and dance permit for the Withrow Ballroom for the period of April 1, 2006 through March 31, 2007.
4. Approval to renew application of on sale and Sunday 3.2 malt liquor license and consumption and display permit for the Disabled Veteran's Rest Camp Association, Inc. for the period of April 1, 2006 through March 31, 2007.
5. Approval to renew application for off sale liquor license for SSG Corporation for the period of April 1, 2006 through March 31, 2007.

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6. Approval to renew application for on sale and Sunday liquor license for Point, Inc. for the period of April 1, 2006 through March 31, 2007.
7. Approval to renew application for on sale and Sunday liquor license for Prospects Inc. for the period of April 1, 2006 through March 31, 2007.
8. Approval to renew application for on sale and Sunday liquor license for Outing Lodge at Pine Point for the period of April 1, 2006 through March 31, 2007.
9. Approval of the Workforce Investment Act, Title 1B Master Grant agreement covering adult, youth, dislocated worker, and older Americans programs, with the Minnesota Department of Employment and Economic Development.
10. Approval of contract with Tree Trust to provide services for the summers of 2006, 2007 and 2008 youth employment programs between June 1 and August 31 of each year.
11. Approval to convert the position of Emergency Services Manager from a non-supervisory to a supervisory position in the Public Health and Environment Department.

The foregoing Consent Calendar was adopted unanimously; Commissioner Stafford absent.

ASSESSMENT, TAXPAYER SERVICES AND ELECTIONS

Commissioner Peterson moved to adopt **Resolution No. 2006-046** as follows:

Approving the Sale of Parcel 17.030.21.33.0035
to the City of Dellwood for a Public Purpose

WHEREAS, the Board of Commissioners of the County of Washington, State of Minnesota, desires to offer for sale parcel 17.030.21.33.0035, which forfeited for non-payment of taxes; and

WHEREAS, the parcel is classified as non-conservation, and the classification and sale of the parcel have been approved by the Department of Natural Resources and the City of Dellwood; and

WHEREAS, the City of Dellwood made the proper application for acquiring this piece of land for the public purpose of traffic enforcement/municipality maintenance of vehicles and equipment; and

WHEREAS, the Board of Commissioners of the County of Washington, State of Minnesota, has the authority, under Minn. Stat. 282.01, Subd 3, to appraise the value of the tax forfeited land offered for sale.

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NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby resolves that the appraised value of this parcel is \$100.00.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby grants the application of the City of Dellwood.

Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioner Stafford absent.

COMMUNITY SERVICES – WORKFORCE CENTER DIVISION

Robert Crawford, Workforce Center Division Manager, presented the Workforce Center Annual Report and highlighted programs and services provided: Resource Room nearly 17,000 visits; Workshop participants, more than 1,500; Partnered with the State to serve 308 veterans, served 599 individuals with disabilities and 50 received employment; Partnered with the State for business services with 135 businesses contacted; Worked with dislocated workers, youth programs, and the diversionary work program which diverted 67% of the individuals from going on the Minnesota Family Investment Program.

Commissioner Peterson moved to approve the Workforce Center Annual Report for the program year July 1, 2004 to June 30, 2005. Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioner Stafford absent.

TRANSPORTATION AND PHYSICAL DEVELOPMENT

ATV Ordinance Effectiveness Study Update and Conclusions

Wayne Sandberg, Deputy Director of Transportation and Physical Development, presented an overview of the All Terrain Vehicle (ATV) Ordinance Study recently conducted. He indicated that the origin of this ordinance began as a result of calls and concerns received from county residents. As ATV numbers increased in the county, complaints increased and permanent damage to the county ditches also increased. Repair attempts were tried and found to be expensive, \$2,500 per mile for one side of the road, and did not last unless the ATV's were restricted. The County Board determined that providing ATV use in its ditches was not a core function of the county and implemented Ordinance No. 168. As part of the implementation, the County Board required a two year effectiveness study.

Mr. Sandberg indicated they looked at four issues in this study, how the damaged areas had restored themselves; enforcement issues; number of ATV's being registered in the county; and provided a public comment period. Mr. Sandberg presented pictures of areas that were damaged by ATV's before the ordinance and how they look today. They feel that the lack of ATV traffic is allowing vegetation to

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re-establish itself in most instances, but there are some areas they will have to repair. In enforcement they tracked complaints, warnings and citations for two years prior to the ordinance and two years after. They found that county road complaints decreased from one complaint a week prior to the ordinance to one complaint a month after the ordinance. Those decreases also carry through with warnings and citations. Complaints, warnings and citations also decreased on state roads. Because ATV's could not use the county roads, they had a hard time getting to the state roadways. The County Sheriff did not increase funding or enforcement efforts. So with fewer ATV issues to deal with, that freed up the deputies to work on other issues.

Mr. Sandberg stated that some individuals were concerned that banning ATV's would have a negative economic impact. They looked at registration in the county and where ATV's were being used. They found that registration has continued to rise, but the use of them elsewhere is a larger percentage. They feel they are not affecting ATV sales in the county. They also offered opportunities for public comment. They mailed comments cards to 87 individuals, anyone who signed in at the public hearings held in 2003, and ATV retailers in the county. A portion of the county web page had links to forms or they could e-mail the department directly with their comments. Thirty-four comments were received back and those were broken down into three categories: Supporting the ordinance, 47%; 21% opposed the ordinance; and 32% were neutral to opposed, were ATV users generally, understood the reasons for the band, but wanted places to ride.

Mr. Sandberg summarized that the study showed that ATV registrations continue to increase and that Ordinance 168 has done what it was intended to do and that is eliminate a vast majority of the damage to the county ditches. Staff recommends continuing Ordinance No. 168. No action by the County Board would continue the ordinance. They also wanted to address the concerns of people who wanted to ride and remain open to proposals to the Department of Natural Resources or an ATV club to identify opportunities to develop a trail system.

Commissioner Kriesel asked of the complaints that citizens brought forward, how many were quality of life versus damage to the ditches? Mr. Sandberg stated that the vast majority of initial complaints received were both of those. They felt unsafe and were concerned about damage to their driveway and water runoff.

Commissioner Kriesel stated he is also concerned about snowmobiles. The damage may not be as significant, but the quality of life or safety aspect is there. It is hard for him to justify one usage and not the other. He appreciates the comments about working with the ATV clubs to see if there is some sort of initiative that could help fund trails suitable for that use.

Commissioner Pulkrabek asked what the fine is for riding in the ditches? Sheriff Pott wasn't sure, but guessed it would be around \$125.

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Commissioner Pulkrabek asked where do the registered owners of ATV's in Washington County ride? Commissioner Peterson responded that many of them have recreational property outside of the metropolitan area. A good share go to Wisconsin. Mr. Sandberg indicated that many city and township roads are open to ATV use and also in the winter time they go on lakes and frozen water.

Commissioner Peterson believes that the ordinance they passed is doing exactly what they wanted it to. The greatest issue to the Board in the future is the preservation of groundwater. With the degradation of the ditches, it has a huge impact on stormwater retention, how clean it is and what kinds of filtration that needs to take place. That's why ditches were formed, to preserve the roads and protect the groundwater.

Commissioner Hegberg asked if the county receives any funds from the DNR for the registration of AVT's. Mr. Sandberg stated no direct funds were received from registrations. There are two sources of funding, the grant in aid to have a trail partially funded, and there was a damage account that the county received about \$3,000 to repair damage on the Hinton project. That fund isn't really designed for large scale trail wide management, it is more designed for spot areas of damage.

Commissioner Hegberg asked if staff has given thought to allowing ATV's when the ground is frozen? Mr. Sandberg stated it has been brought up a number of times. He feels the past winter is evidence of why that would be very difficult. In January there was about two weeks of thawing weather. If a date was established when ATV's could ride, they would run into the issue of when there is thawing weather in January and a couple inches of top soil starts to thaw, that is when rutting takes place. The palpation system of an ATV is much different than a snowmobile. Even if a snowmobile goes off of the dirt they really only scrape the surface, they don't cause the deep ruts that ATV's can cause. They also talked about establishing a specific amount of snow before an ATV would be allowed. A couple pictures showed snow that was three inches deep along the slope, but in the bottom of the ditch that snow had melted. It would be difficult for a rider to know and for the Sheriff to enforce how many inches of snow was out there.

Commissioner Hegberg stated it is evenly split in his district also. A number of landowners who own farms still have the problem of ATV's and snowmobiles trespassing on private property and destroying trees. He would tend to continue with the ban.

Commissioner Kriesel stated if the Board continues the ban at this point it is almost deemed permanent because he does not think there is anything that will come along to influence the Board to go back to allowing them. He is concerned about where these folks will ride if there is increased sales, and what is the county's long-term vision if they are going to try to provide a recreational use for ATV's. He gets significant complaints from citizens regarding motorcycle noise and the quality of life issues versus the damage to the ditches.

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Commissioner Pulkrabek stated he did not support this ordinance a couple of years ago. He feels this is the no fun allowed ordinance. He acknowledges that ATV's cause some damage to the ditches and he also acknowledges that it is the staff's job to protect the property that the county owns. It is not necessarily the prerogative of the county to provide land for ATV owners to ride on. He feels that the ordinance has been effective as far as its intended purpose; but, he thinks that in a time when government at all levels is continuously curtailing people's privileges and freedoms he thinks that having nicer ditches and maybe some erosion into wetland is outweighed by taking away people's privileges and freedoms to ride their ATV's.

GENERAL ADMINISTRATION

Revision to Policy No. 1110

Commissioner Peterson moved to approve revisions to Administration Policy #1110, Advisory Committees, Boards and Commissions. Commissioner Kriesel seconded the motion and it was adopted unanimously; Commissioner Stafford absent.

Legislative Update

Jim Schug, County Administrator, presented an update on legislative activities: Senate bonding bill included funds earmarked for studying commuter rail between the Twin Cities and Duluth and was extended to Hastings to include the Red Rock Corridor; funds available for the demolition of the bridge no longer in use in St. Paul Park; eminent domain Senate bill now includes wording that would require acquiring entities the responsibility to prove that a business has not been harmed by the eminent domain process.

Commissioner Hegberg asked staff to check on a bill that was introduced that would abandon judicial ditches in the metropolitan area. If they were abandoned, would they abandon the easements for maintaining and keeping the ditches in good repair.

Mr. Schug reminded the County Board that it will be meeting with the Ramsey County Board at noon.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Peterson reported that Senator Marko introduced a bill that would restore some of the funding that had been deleted at the federal level for community service programs.

Commissioner Peterson noted that March is food shelf month in Minnesota. She encouraged each Board member to donate to their local food shelves.

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Commissioner Peterson stated she will be attending the AMC legislative policy committee meetings tomorrow in St. Paul.

Commissioner Pulkrabek asked about the status of the Boom Site rest area. Mr. Schug indicated that the Minnesota Department of Transportation (MN/DOT) asked if the county would be interested in taking over responsibility of the Boom Site wayside rest stop north of Stillwater. He responded to MN/DOT last week, after consulting with the Commissioners, that at a time when the county is taking on other costs for programs from the state and the pressure that has put on property taxes, the county was not in a position to take over a state responsibility without funding. He encouraged them to work with a local group of people who have indicated a willingness to put together a volunteer corps that will help with maintenance of restrooms and the grounds.

Commissioner Pulkrabek stated what he didn't understand was why the state keeps holding on to the Forest Lake rest area. He feels it is a prime piece of real estate. He feels there are ample opportunities for people to pull over and rest at a number of different restaurants and gas stations in that area and does not see the need for the rest area.

Commissioner Hegberg believes that a number of truckers use that rest area. If the truckers got off the freeway into Forest Lake there would be a big traffic jam.

Commissioner Pulkrabek asked staff to research the cost that is spent on that rest area every year.

Commissioner Pulkrabek asked if there would be any interest in doing a State of the County address like Hennepin County does. It could be done at the annual meeting in January.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Peterson moved to adjourn, seconded by Commissioner Hegberg and it was adopted unanimously; Commissioner Stafford absent. The Board meeting adjourned at 10:10 a.m.

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BOARD WORKSHOP WITH ASSESSMENT, TAXPAYER SERVICES AND ELECTIONS

The Board met in workshop session with the Department of Assessment, Taxpayer Services and Elections to discuss pay 2006 tax information. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Kriesel, Pulkrabek, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Melinda Kirk, Steve Nelson, Kevin Corbid, Joanne Helm, Kevin Giles, Star Tribune, and Yvonne Klinnert, Stillwater Courier.

BOARD WORKSHOP WITH COMMUNITY SERVICES

The Board met in workshop session with the Department of Community Services to discuss the Minnesota Non-Emergency Transportation Services. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Kriesel, Pulkrabek, and Hegberg. Also present were Jim Schug, Steve Nelson, Dan Papin, Patrick Singel, John Kowalczyk, Health Services & Medical Management, Minnesota Department of Human Services, Kevin Giles, Star Tribune, and Yvonne Klinnert, Stillwater Courier.

Bill Pulkrabek, Chair
County Board

Attest:

James R. Schug
County Administrator