

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
JULY 13, 2010

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 Hegberg, Kriesel, Pulkrabek, and Weik. Commissioner Peterson absent. Board Chair Pulkrabek presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Manager; John Elholm, Parks Director; Ann Pung-Terwedo, Sr. Planner; Chief Deputy Sheriff Mike Johnson; Mjyke Nelson, Information Technology; Dan Papin, Community Services Director; Robert Crawford, Workforce Center Division Manager; Kevin Corbid, Director of Property Records and Taxpayer Services; Tom Adkins, Community Corrections Director; and Yvonne Klinnert, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval of Amendment No. 1 to the Workforce Investment Act Master Agreement between the Washington County Community Services Workforce Center and the Minnesota Department of Employment and Economic Development. This amendment increases funding for dislocated worker services.
2. Approval of amendment No. 1 to Contract #5256 with Tree Trust to provide services for Washington County's Workforce Center's youth employment programs for the summer of 2010.
3. Approval of a fiber optic cabling maintenance agreement with Access Communications.
4. Approval to enter into an agreement with Mary Fruetel to use county property to provide on-site county employee wellness activities.
5. Adoption of **Resolution No. 2010-105** as follows:

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Final Payment on Big Marine Park Reserve
Phase 1 Development Project to Pember Companies, Inc.

WHEREAS, the Washington County Board of Commissioners, on May 1, 2007, approved a bid award to Pember Companies, Inc. and signed a contract with said company for the completion of the Big Marine Park Reserve Phase 1 Development; and

WHEREAS, Pember Companies, Inc. has satisfactorily completed all work in accordance with the terms and conditions of the contract.

NOW, THEREFORE, BE IT RESOLVED, that Pember Companies, Inc. be paid in full for said contract work in the remaining amount due of \$25,000.

The foregoing Consent Calendar was adopted 4-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Weik, and Pulkrabek; Nays, none; Commissioner Peterson absent.

CONTINUED PUBLIC HEARING – HOUSING AND REDEVELOPMENT AUTHORITY

Pledge the General Obligation of Washington County as Security for the Issuance of Revenue Bond Refunding for the Landfall Terrace Manufactured Home Park Located in the City of Landfall

Commissioner Kriesel moved to approve the request by the Housing and Redevelopment Authority to continue the Public Hearing for the adoption of resolution pledging the General Obligation of Washington County as security for the issuance of revenue bond refunding for the Landfall Terrace Manufactured Home Park Located in the City of Landfall until July 27, 2010. Commissioner Weik seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

PUBLIC WORKS

Update from Lockridge Grindal Nauen on Federal Legislative Items

Andy Burmeister, Lockridge Grindal Nauen, updated the Board on the most recent federal legislative items related to the Fiscal Year 2011 appropriation process, the Transportation Reauthorization Bill, the Transportation Alliance Fly-in, and the Washington County's federal transportation funding requests.

Update on Access into Lake Elmo Park Reserve at 15th Street

Don Theisen, Public Works Director, presented an update on the access to the Lake Elmo Park Reserve at 15th Street. In 2004 a request was made to establish a private access at this location as well as other access at other parks. The Parks Commission and County Board adopted a policy on access in 2004. In

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2006, the Master Plan for the Lake Elmo Park Reserve was updated and shows the new park entrance at 15th Street. This was a follow up to the policy which essentially states that any access into the park should be a public access that everybody can use and not a private entrance. This year, staff has begun discussion with the City of Lake Elmo and City of Oakdale staff on trail connections to 15th Street access. The current status is that the 15th Street trail entrance is identified in the Lake Elmo Park Reserve Master Plan; the trail along 15th Street is in the City of Lake Elmo comprehensive Plan; staff from Washington County, Lake Elmo, and Oakdale are working on trail coordination; and the goal is to develop a connection between the communities and Lake Elmo Park Reserve.

Commissioner Pulkrabek stated the reason he brought this matter up is that property owners that live in Lake Elmo on 15th Street say that it is a great inconvenience and a safety issue for them because they want to get on their horse, go down the street and just enter the park. If they have to go down 10th Street it is very dangerous. Or, they can get the trailer ready, put the horses in the trailer, drive to the main entrance, and unload the horses. He sees it as an enormous inconvenience and a safety issue. If it is in the county's Master Plan and the City of Lake Elmo's comp plan, he doesn't see this as such a big deal. This came up five or six years ago, why is it taking so long if everyone agrees that at some point there is going to be an official entrance there.

Commissioner Pulkrabek read into the record a letter from Lillian Linder who owns the property at the very end of the cul-de-sac which abuts the park reserve. The letter supports leaving an opening in the Lake Elmo Park Reserve fence at the end of 15th Street. She does not feel the 10th Street entrance to the park is safe for riding a bike, walking, or riding a horse into the park.

Pam Eichenberger 9070 10th Street, lives on the north side of the road one mile west of the Lake Elmo Park Reserve entrance. During times when the 15th Street entrance is closed, she has had to ride her horse down 10th Street to get into the park. In one instance she had to get off of her horse in the middle of 10th Street because the horse was afraid of something off in the woods and ran out into the road. This was many years ago, and if this happened today people would die. It is a real concern of hers to have to ride down 10th Street. She would be willing to form a committee if the park would like additional funds. Most of them already own park stickers on their vehicles and they do support the parks. She would be willing to carry a saddle pass and get the neighborhood together to raise funds. They just want to be able to safely ride into that entrance.

Commissioner Hegberg asked if there were any commercial operations that abut the park that might be boarding horses and then would over use the entrance. Ms. Eichenberger stated no; the large boarding facility is on 10th Street on the south side of the street and east of the park. They do have to ride across 10th Street to get there.

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Mr. Theisen stated he agreed with the items the Commissioners addressed on a safe entrance and that means doing things right, not just having a hole in the fence and a trail established by the users, but establish an access that is right. There are hundreds of private properties around this park and other parks. What staff is trying to follow is the Board policy of if there is going to be access to a park it should be for everybody. There are also hundreds of stories out there of why they should have the convenience of walking down the road to get into the park. Staff believes there should be safe access established out at 15th Street and work towards that. He doesn't have an answer as to why it's taken since 2006 and work hasn't begun sooner than this. It is now an issue they are working on, it's a result of working with the communities on the state health and improvement plan (SHIP), it's working with communities on how trails are built that gets people out there to be more active, and this issue came out as a result of that.

Commissioner Pulkrabek asked what would be the difference between a formal entrance and an informal entrance, is it just putting in a few parking spaces, does there need to be an attendant there. If it's going to be a formal entrance, what is the big deal to just open it up for a few people that live around that area mostly for the safety concerns. Mr. Theisen stated that at a formal entrance the county would maintain it, mow the grass and it would be signed so people would know they are entering the park. As far as parking stalls, that would be something they would need to look at, whether it would be provided or not. It would look like a formal Washington County entrance to a park, remind them of the rules, and there would be the issue of revenue. He believes there are some liability issues. If the county allowed people to come on to a trail that is not property maintained and something happens, the horse gets hurt, that is a concern.

Commissioner Kriesel asked if there are people entering the park now. Mr. Theisen stated there is currently an opening in the fence.

Commissioner Kriesel stated it is his understanding that the county has been out there multiple times putting up a fence, and the last time spent two days putting up a welded wire fence and a trail camera for security reasons and that was destroyed and the camera is missing. He does not believe that is the way to go about gaining access or getting policy changed as far as access to a park. He would be much more receptive to this if that fence was in place today and they were approaching the county. At this point, he not only wants that fence put back up he wants it enforced. Why would bad behavior be awarded. He's not accusing any individual out there, but the fence has been removed and the camera has been stolen. He is concerned about the liability issue. There were places where people could fall off a horse and get hurt. He would strongly encourage that the fence get put back and that the county enforce its policies. Then the county can sit down with the City of Lake Elmo and see how in the future this could be a park access point and not just for those few residents, but for anyone who wants to use the park. That could mean that people might drive their horse trailers there to park or other multiple uses. Another issue, as he understands it, is that horses are walking on ski trails and there have been arguments between people

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who were out there trying to enjoy their end of the spectrum, skiing. He is just not prepared to change a policy through intimidation.

Commissioner Hegberg stated that the subject also came up on Big Marine Lake. It's very similar to some of those arguments. One request was that the county have a dock because the people who live on the lake with boats would like to use the county facilities and there is no place for them to dock their boat other than at the boat landing and that isn't a very big dock. He feels this whole matter should be brought back for discussion. Also, on Big Marine Lake there's a horse boarding place across the street on Manning and she is excited to use the park. He feels liability is an issue and the county is named in every issue even though there is an exemption for parks. One case a jury awarded a family quite a bit of money. It was appealed to get the exemption and it cost the Minnesota Intergovernmental Trust a lot of money in attorney fees to reach that conclusion.

Commissioner Pulkrabek stated that the liability issue has been brought up a couple times. He doesn't say this light heartedly, but he feels there is a far greater issue with the swimming facility. He believes that two children drowned there last year. He feels the liability issue for allowing a handful of people to ride their horses into an informal entrance is far overblown. There is a gated entry on Inwood and it is marked private property, but there are always cars parked there. He asked if that was enforced.

Commissioner Kriesel asked if that was an entrance point where the gate was torn down.

Commissioner Pulkrabek stated he understands the Commissioner's point, he's not saying people should be tearing down gates, but at the same time the county isn't sure who did it. He is sure that nobody that he's talked to has done that.

Commissioner Pulkrabek stated his preference would be to get timelines in place. If the county is going to move toward a formal entrance that there be a timeline of three or six months. In the mean time, he would prefer that the access be left open as an informal entrance. If there is not the support of the Board to do that, he would at least like to fast track this and get timelines to work with.

Commissioner Weik stated that the county should do it right and she would like to see a plan in place. She does not support unauthorized access into the parks. She feels that is unsafe. She asked if this isn't just free access into the county parks. What is the policy, can a person bike into the county parks right now and not have a pass. She was also intrigued by the comment about carrying a saddle pass. Does the county require snowmobile passes, what is the policy. This brings up the issue of who is paying for utilization of the parks. Mr. Theisen stated it is a vehicle permit. They are not looking for someone who walks in to pay which is a small number of people. As this changes that is something they would keep track of or would want to keep track of is how many people are coming into the parks that the county is

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not collecting revenue. Right now it is such a small percentage they aren't even measuring it. For snowmobiles, they buy a state trail permit and that is how trail funds are paid for.

Commissioner Pulkrabek asked if a person has a horse are they supposed to pay. Mr. Theisen stated he is not familiar with the saddle pass concept. He thinks that is a new concept that was mentioned.

Ms. Eichenberger stated the saddle pass is at the state level and are required and at Three Rivers Parks.

Commissioner Weik stated that to do this right, she supports the fast track idea but does not want the public participating in unsafe practices, riding their horses down 10th Street and wait until they can get a safe access available for them. She asked if there is any grant money, or is there any direct cost to the county to have this entrance properly gated and maintained. Mr. Theisen stated there would be costs, but they are still in the stage of identifying what the access would look like and putting that all together.

Commissioner Weik asked what does the county do if there is some imminent danger that has been identified in any of the parks. For example, there have been cougar sightings in the east metro; what if there was a credible reporting of a cougar in the park reserve, what is the procedure, how would the people in the park be notified to assure their safety, especially if there are people parking by these other gates and entering the park by just climbing over fences. Mr. Theisen stated that depending on what the threat was, between park staff and the Sheriff's office they would take the measures necessary to notify them. He can come back with more on the emergency procedures, but they do not go to the point of notifying every single person.

Commissioner Pulkrabek asked if there has been any instance where a person has been killed or hurt at the 15th Street entrance in the last ten years. Mr. Theisen stated no, not that he is aware of.

Commissioner Kriesel moved to direct staff to reinstall the fence on 15th Street into the Lake Elmo Park Reserve. Commissioner Weik seconded the motion and it was adopted 3-1 as follows, Ayes, Commissioners Hegberg, Kriesel and Weik; Nays, Commissioner Pulkrabek; Commissioner Peterson absent.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Weik stated she attended a City of Woodbury Yellow Ribbon Network meeting. They are getting ready for a Family Readiness Spaghetti Dinner fund raiser on July 24 at the Oak Park Heights VFW and they are getting ready for the Stillwater Lumberjack Days Parade on July 25. They are also planning a Red Bulls family picnic at the Veterans Rest Camp on August 15. She also attended the I-94 Corridor Commission meeting. A streamlined communication plan was announced and they presented a new logo and name for the I-94 project. It is now the Gateway Corridor.

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Commissioner Kriesel informed the Board that he will be going to the National Association of Counties (NACo) Conference this weekend to receive the NACo Achievement Award for the Yellow Ribbon Network.

Commissioner Hegberg reported that he attended the Association of Minnesota Counties Water Consortium yesterday. They discussed how things could be done differently to be more cost effective. The Land and Water Legacy programs do not fund projects and money for projects has been drying up over the years. He reported that the Broadway overpass reconstruction passed the Forest Lake City Council 3-2. This project has been controversial for a number of years, but they are finally getting to the end of it. Construction is beginning and he believes the roundabouts are starting on July 14. He will be attending the NACo conference and will not be at next week's meeting.

Commissioner Pulkrabek stated that a constituent asked him whether the county had a flat fee or pass discounted for seniors that utilize the parks. Evidently the federal government has a pass that allows seniors to go to all the national parks at a discounted rate. He asked that this be part of the discussion about parks.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Kriesel moved to adjourn, seconded by Commissioner Weik and it was adopted unanimously; Commissioner Peterson absent. The Board meeting adjourned at 10:12 a.m.

BOARD WORKSHOP WITH COMMUNITY CORRECTIONS

The Board met in workshop session with the Community Corrections Department for an overview of Community Correction adult services. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Kriesel, Pulkrabek, and Weik. Also present were Jim Schug, Molly O'Rourke, Tom Adkins, Sandy Hahn, Yvonne Klinnert, Mjyke Nelson, Chief Deputy Mike Johnson, Terry Thomas, Kevin Giles, Star Tribune, Liz Mohr, Pioneer Press, and Scott Wente, Woodbury Bulletin.

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BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss the social media policy. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Kriesel, Pulkrabek, and weik. Also present were Jim Schug, Molly O'Rourke, Nancy Brase, Yvonne Klinnert, Mjyke Nelson, Harley Will, Lowell Johnson, Tom Adkins, Selena Freimark, Kevin Corbid, Kevin Giles, Star Tribune, Liz Mohr, Pioneer Press, Scott Wente, Woodbury Bulletin, and Kathy Aho, Springsted.

Bill Pulkrabek, Chair
County Board

Attest:

James R. Schug
County Administrator