

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
DECEMBER 21, 2010**

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY CONVENES

The Washington County Regional Railroad Authority (RRA) met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Kriesel, Peterson, and Weik. Commissioner Pulkrabek absent. RRA Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Meredith Magers, Assistant County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Dan Papin, Community Services Director; Richard Backman, Community Services Division Manager; Cindy Rupp, Community Services Division Manager; Robert Crawford, Workforce Center Division Manager; Kay McAloney, Human Resources Director; Lowell Johnson, Director of Public Health and Environment; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Andy Gitzlaff, Associate Planner; John Elholm, Parks Director; Ted Schoenecker, Transportation Manager; Greg Wood, Building Services Manager; Tom Adkins, Community Corrections Director; Mjyke Nelson, Information Technology Director; Sheriff Bill Hutton; Chief Deputy Sheriff Dan Starry; Harley Will, Accounting and Finance Director; Melinda Kirk, Budget/Financial Analyst; Stephanie Kammerud, Administrative Assistant; Larry Timmerman, Senior Planner, and Yvonne Klinnert, Public Information Coordinator II. Official Proceedings of the Regional Railroad Authority are available in the Office of Administration.

The Board recited the Pledge of Allegiance.

Commissioner Pulkrabek arrived at 9:06 a.m.

WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES

The Washington County Board of Commissioners met in regular session at 9:06 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Kriesel, Peterson, Pulkrabek and Weik. Absent none. Commissioner Pulkrabek presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Meredith Magers, Assistant County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Dan Papin, Community Services Director; Richard Backman, Community Services Division Manager; Cindy Rupp, Community Services Division Manager; Robert Crawford, Workforce Center Division Manager; Kay McAloney, Human Resources Director; Lowell Johnson, Director of Public Health and Environment; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Andy Gitzlaff, Associate Planner; John Elholm, Parks Director; Ted Schoenecker, Transportation Manager; Greg Wood, Building Services Manager; Tom Adkins, Community Corrections Director; Mjyke Nelson, Information Technology Director; Sheriff Bill Hutton; Chief Deputy Sheriff Dan Starry; Harley Will, Accounting and Finance

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Director; Melinda Kirk, Budget/Financial Analyst; Stephanie Kammerud, Administrative Assistant; Larry Timmerman, Senior Planner, and Yvonne Klinnert, Public Information Coordinator II.

COMMENTS FROM THE AUDIENCE

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

CONSENT CALENDAR

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

1. Approval of Policy #2509 to establish county guidelines for acceptance of gifts, donations, and bequests.
2. Approval to decrease amounts in change funds held by three departments totaling \$500.
3. Approval to adopt the revised Internal Revenue Service (IRS) mileage reimbursement rate of 51 cents per mile, effective January 9, 2011, as required by Policy #5032 Meals, Mileage, and Other Authorized Expense Reimbursement and Policy #6008 Meals, Mileage, and Other Expense Reimbursement for Elected Officials.
4. Approval to appoint Amber Yares, Stillwater, to the Mental Health Advisory Council as a District 3 representative, to fill an unexpired term to December 31, 2012.
5. Approval of revisions to Policy No. 1300 – Data Practices.
6. Approval to amend the Community Corrections 2010 budget by increasing the Community Corrections Act subsidy by \$2,700.
7. Approval of the Program and Budget Update to the Community Corrections Comprehensive Plan for 2010-2011.
8. Approval of Amendment #1 to Contract #5683 with the American Red Cross to extend the term and allocate funds for 2011 for after hours emergency social services and mobile crisis response for child protection.

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9. Approval of Amendment #4 to Contract #4104 with East Suburban Resources, Inc. (ESR) to provide job skills training, job development, employment counseling, and placement services for individuals enrolled in the Diversionary Work Program (DWP) and/or the Minnesota Family Investment Program (MFIP).
10. Approval of a contract for a new integrated library system that manages the catalog, customer accounts, acquisitions, and circulation with SirsiDynix. The software product is called Symphony and will replace the current Horizon.
11. Approve extension of the existing contract with Stillwater Library until June 30, 2011
12. Approve extension of current contract with Bayport Library to June 30, 2011.
13. Approval to enter into an agreement with the Washington Conservation District to fund general operations and services to county departments and county residents.
14. Approval for Washington County, through the Department of Public Health and Environment, to enter into an agreement with the Washington Conservation District for services related to the Wetland Conservation Act.
15. Approval to renew two-year agreements with the cities of Bayport, Forest Lake, Grant, Lakeland, Mahtomedi, Marine on St. Croix, Oakdale, Scandia, St. Mary's Point, and St. Paul Park to provide Individual Sewage Treatment System Inspection Services.
16. Approval to designate a representative to act as an agent for Washington County in the execution of the signatory portion of manifests and other transportation documents pertaining to waste shipments for waste collected at/or transported from the Washington County Environmental Center, or remote household hazardous waste collection events.
17. Approval to enter into an agreement with Mary Storkan to use county property to provide onsite county employee wellness activities.
18. Adoption of **Resolution No. 2010-175** as follows:

13485 St. Croix Trail South, Denmark Township
House Lease

WHEREAS, the County of Washington and James Michael Fitzpatrick propose to enter into a lease agreement for the house located at 13485 St. Croix Trail South, Denmark Township, for the term of December 26, 2010 to December 31, 2011; and

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WHEREAS, James Michael Fitzpatrick has approved and signed said lease; and

NOW, THEREFORE, BE IT RESOLVED that the lease between the County of Washington and James Michael Fitzpatrick be executed through the signatures of the Chair of the Washington County Board of Commissioners and Washington County Administrator without further action of the County Board conditioned upon compliance with all lease specifications, requirements, and approval as to form by the Washington County Attorney's Office.

19. Adoption of **Resolution No. 2010-176** as follows:

Award of Parks Agricultural Land Leases for 2011

WHEREAS, in order to facilitate the leasing of agricultural land in county parks, Washington County solicited bids for the farming of this land; and

WHEREAS, bids were opened on November 23, 2010, with highest bidder being Gordon and Myron Tank for Lake Elmo Park Reserve, and Joe O'Malley for St. Croix Bluffs Regional Park; and

NOW, THEREFORE, BE IT RESOLVED that the bids of Joe O'Malley, and Gordon and Myron Tank, be accepted and the County enter into lease agreements with these bidders for the respective parcels of land noted previously in this resolution under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED that the leases between Washington County and Gordon and Myron Tank and Joe O'Malley, be executed through the signatures of the Chair of the Washington County Board of Commissioners and County Administrator without further action of the County Board conditioned upon compliance with all bid specifications, requirements, and approval as to form by the Washington County Attorney's Office.

20. Approval to transfer \$80,700 from its 911 Fund (Fund 117) to the Sheriff's Office operating budget (Fund 110), for the purchase of a Verint Trunked Logging Recorder from Northland Business Systems.

The foregoing Consent Calendar was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

PUBLIC HEARING – PUBLIC HEALTH AND ENVIRONMENT

Receive Comments on the Proposed Youth Access Tobacco Ordinance No. 185

The Board Chair presented a brief overview of today's public hearing to consider the adoption of the proposed Youth Access Tobacco Ordinance No. 185. The Board Secretary indicated that the notice of public hearing was published and the affidavit of publication was included in the record.

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Jean Streetar, Public Health and Environment Program Manager, reviewed the changes to the Youth Access to Tobacco Ordinance No. 133 and No. 135 which were adopted in 1998. The purpose of this ordinance is to prevent underage youth from purchasing tobacco products; require tobacco vendors to obtain a license to sell; require enforcement of the ordinance through compliance checks two times per year; and set an administrative fine for selling to underage youth. In 2010 Minnesota passed a new law protecting youth from the harmful effects of new tobacco products. It has expanded the definitions of tobacco products to include any product that contains tobacco and is intended for human consumption; requires all tobacco products and tobacco-related devices to be sold behind the counter so they are not easily accessible to youth, and to prevent the sale of new tobacco products and electronic cigarettes to youth.

Ms. Streetar stated that due to a question by the County Board at its November 16 meeting, the following language was added to clarify the sale of cessation products “Section 6, item 6.3 Prohibited Sales – It shall be a violation of this ordinance...to sell any tobacco use cessation product as described in MN Statute § 609.6855 to any person under the age of 18 except as legally allowed by the US FDA with a prescription.”

The Board Chair asked for comments from the audience; none were heard. The Board secretary indicated that she had received all documentary evidence.

Commissioner Peterson moved to close the public hearing to receive comments on the proposed Youth Access Tobacco Ordinance No. 185. Commissioner Weik seconded the motion and it was adopted unanimously. The public hearing was closed at 9:27 a.m.

Commissioner Peterson moved to adopt **Resolution No. 2010-177** as follows:

Resolution Adopting the Washington County
Youth Access to Tobacco Ordinance No. 185

WHEREAS, Minn. Stat. § 461.12 to 461.18 regulates the sale of tobacco and tobacco products in an attempt to decrease its access by youth; and

WHEREAS, Minn. Stat. § 461.12 permits the County Board to license and regulate the retail sale of tobacco in the unincorporated area of the County and in those towns or cities that do not license and regulate retail tobacco sales; and

WHEREAS, the 2010 Minnesota Tobacco Modernization and Compliance Act was passed by the state to include new tobacco, tobacco products, tobacco related devices and nicotine delivery products; and

WHEREAS, the current Youth Access to Tobacco Ordinance is No. 133 adopted on June 2, 1998 and No.135 amended on September 22, 1998; and

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WHEREAS, on November 16, 2010 a presentation was made by the Department of Public Health and Environment to the County Board about youth access to tobacco, the prevalence of smoking among youth, the new tobacco products being sold, and proposed revisions to the ordinance; and

WHEREAS, on December 21, 2010 the Washington County Board of Commissioners conducted a public hearing to consider adopting a new Youth Access to Tobacco Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Youth Access to Tobacco Ordinance No. 185 to take effect upon the passage of this resolution and its publication according to law.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Washington County Ordinance No. 133 and No. 135 are hereby repealed, said repeal to take effect on the date Washington County Ordinance No. 185 becomes effective.

Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

PUBLIC WORKS

Milwaukee-Twin Cities High-Speed Rail Corridor Tier 1 Environmental Impact Statement

Commissioner Peterson moved to approve the submittal of formal comments from the Washington County Board of Commissioners to the Minnesota Department of Transportation on the Milwaukee-Twin Cities High-Speed Rail Corridor Tier 1 Environmental Impact Statement initial scoping work and the Proposed Phase I Passenger Rail Corridors Benefit Cost Analysis. Commissioner Hegberg seconded the motion and it was adopted unanimously.

Joint Powers Agreement with the City of Scandia Regarding the Official Map of the Big Marine Park Reserve

Commissioner Hegberg moved to adopt **Resolution No. 2010-178** as follows:

Resolution Approving a Joint Powers Agreement
with the City of Scandia
For the Big Marine Park Reserve Official Map

WHEREAS, the City of Scandia desires to recognize and implement the regulations of the Big Marine Park Reserve Official Map; and

WHEREAS, state law is unclear regarding the applicability of an official map within the boundaries of a city; and

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WHEREAS, the City of Scandia is concerned about potential liability associate with implementation and enforcement of the Official Map Ordinance due to uncertainty within state law and the lack of applicable case law; and

WHEREAS, Washington County supports the City of Scandia's desire to recognize and implement the Big Marine Park Reserve Official Map Ordinance and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners approves and authorizes execution of the Joint Powers Agreement attached hereto as Exhibit A with the City of Scandia.

Commissioner Peterson seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

GENERAL ADMINISTRATION

Replace County Policy No. 1810 Records Retention Schedule with Revised County Policy No. 1810 Records Retention and Disposition Policy

Commissioner Hegberg moved to replace Policy #1810 Records Retention Schedule with a revised County Policy #1810 Records Retention and Disposition Policy. Commissioner Peterson seconded the motion and it was adopted unanimously.

Resolution of Appreciation for County Attorney Doug Johnson

Commissioner Hegberg moved to adopt **Resolution No. 2010-179** as follows:

Resolution of Appreciation to
Doug Johnson
County Attorney

In Recognition of his Service to the Citizens of Washington County

WHEREAS, Doug Johnson will retire after 24 years with the Washington County Attorney's Office effective January 3, 2011; and

WHEREAS, Doug Johnson joined Washington County in 1986 and served as Division Chief in the Juvenile Division, Assistant Washington County Attorney for 12 years before being elected County Attorney in 1998; and

WHEREAS, Doug Johnson has achieved many departmental goals including being the first attorney in the Juvenile Division that was responsible for the prosecution of all juvenile cases as well as all child protection cases; forming the Washington County Juvenile Law Enforcement Officers Association to enhance communication between agencies; instituting community prosecution through Washington County to facilitate communications and cooperation between law enforcement and prosecutors; developing a case management system to facilitate the

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handling of cases within the Attorneys Office; expanding juvenile and adult diversion programs to hasten offender consequences; and

WHEREAS, Doug Johnson began his law career in 1972 in private practice, served as the Wadena City Attorney for 10 years and as the Wadena County Attorney for four years; and he is a past-president of the Minnesota County Attorneys Association.

NOW, THEREFORE BE IT RESOLVED THAT, the Washington County Board of Commissioners acknowledges with grateful appreciation Doug Johnson's exemplary leadership as an elected county department head and for his public service to the citizens of Washington County; and

BE IT FURTHER RESOLVED THAT, the Washington County Board of Commissioners heartily commends Doug Johnson for his dedication and many years of public service and extends our best wishes to Doug and his family in the next chapter of his life.

Commissioner Peterson seconded the motion and it was adopted 5-0 with a Roll Call vote as follows:
Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

Resolution of Appreciation for Commissioner Myra Peterson

Commissioner Kriesel moved to approve the following Proclamation:

Resolution of Appreciation for
Commissioner Myra Peterson
in Recognition of Her 22 Years of Public Service

WHEREAS, Commissioner Myra Peterson will conclude her public service as a Washington County commissioner at the end of her term of office on January 4, 2011; and

WHEREAS, Commissioner Peterson was elected to serve the citizens of District 4 on the Washington County Board of Commissioners in a special election held in September 1993 and she was re-elected in 1994, 1998, 2002, and 2006; and

WHEREAS, Commissioner Peterson's 22 years as a public servant began in 1975 when she was elected to serve the citizens of the City of Oakdale as a city councilmember from 1975 to 1978 and as mayor from 1979 to 1980; and

WHEREAS, Commissioner Peterson has made a positive impact on the citizens of District 4, Washington County, and the metropolitan area by using her knowledge, skills, and experience to promote fiscal responsibility, promoting road and bridge transportation issues and projects, advocating for regional rail, caring for the health and welfare of all persons, and advocating for groundwater protection.

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NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby commends Commissioner Myra Peterson for her distinguished service to the citizens of Washington County during her 22 years of public service; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners extends its best wishes to Commissioner Peterson and her family for a happy and healthy future.

Commissioner Hegberg seconded the motion and it was adopted 4-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Weik, and Pulkrabek; Nays, none; Commissioner Peterson abstained.

Cancellation of the December 28, 2010 County Board Meeting

Commissioner Hegberg moved to cancel the December 28, 2010 County Board meeting. Commissioner Kriesel seconded the motion and it was adopted unanimously.

Recognition Event for Commissioner Myra Peterson

Jim Schug, County Administrator, announced that immediately following today's Board meeting there will be a reception for Commissioner Myra Peterson. Following that, the County Department Heads and Commissioners will be taking Commissioner Myra Peterson out to lunch at the Dock Café in Stillwater at noon.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Weik reported she attended a women's breakfast in Mendota Heights with guest speaker Governor Tim Pawlenty. She attended the Solid Waste Coordinating Board meeting which approved the professional services agreement and the 2011 work plan. They presented an update on the Minnesota Pollution Control Agency sole source and environmental assistance grants. Those grants remain in limbo and it is likely that no grant agreements will be in place by January 1. They also adopted the 2011 legislative platform. She attended the Mosquito Control meeting which held a public hearing and approved the 2011 levy and budget.

Commissioner Hegberg reported that he attended the Counties Transit Improvement Board meeting and the bond sale went well. He attended the Transportation Advisory Board meeting which discussed how highways should be funded. The gas tax will be raised, but with alternate fuels that funding source will be lower. He attended the Resource Recovery Board meeting which passed the proposed 2011 budget. They talked about garbage and changes that will have to take place because the contracts will be expiring and how that will be funded. He attended a retirement reception at the Minnesota Counties Intergovernmental Trust for an employee who had been in claims for 48 years.

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Commissioner Kriesel attended the Counties Transit Improvement Board where Commissioner Peterson received an award. He attended the Solid Waste Management Coordinating Board. He attended the Resource Recovery Board meeting. He attended the Parks and Open Space Commission meeting which discussed the Lake Elmo Regional Park and possible west side park entrances. He also attended the Community Corrections Board meeting.

Commissioner Peterson thanked everyone.

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. The Board meeting adjourned at 10:22 a.m.

Bill Pulkrabek, Chair
County Board

Attest:

James R. Schug
County Administrator