

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD  
WASHINGTON COUNTY, MINNESOTA  
APRIL 11, 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, Stafford, and Hegberg. Absent none. 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; Linda Krafthefer, Assistant County Attorney; Jim Luger, Parks Director; Sandy Cullen, Transportation Manager; Joe Lux, Sr. Engineer Technician; Mike Welling, Surveyor; Dennis O'Donnell, Sr. Planner; Ann Pung-Terwedo, Sr. Planner; Keith Potter, Facilities Manager; Lowell Johnson, Director of Public Health and Environment; Sue Hedlund, Deputy Director of Public Health and Environment; Cindy Weckwerth, Program Manager; Dan Papin, Community Services Director; Patrick Singel, Deputy Community Services Director; Cindy Koosmann, Recorder; Jennifer Wagenius, Deputy Recorder; Jody Moran, Recorder's Office; Steve Pott, Sheriff; and Steve Nelson, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC**

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

**CONSENT CALENDAR**

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

1. Approval of the March 28, 2006 Board meeting minutes.
2. Approval to appoint James Keller, Denmark Township, to the Public Health Emergency Preparedness Advisory Committee to a first term expiring December 31, 2006.
3. Approval of Commissioner's Service award to Brian Nichols, Baytown Town Board, for his 37 years of public service.
4. Approval to renew on-sale and Sunday liquor license for Afton Alps, Inc., for the period of April 1, 2006 through March 31, 2007.
5. Approval of Plat of Audubon, Baytown Township.
6. Adoption of **Resolution No. 2006-050** as follows:

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Approval of Contract with Gladwin Machinery for  
Purchase of Heavy Duty Hydraulic Shear

WHEREAS, in order to purchase a hydraulic shear, the county solicited proposals for this equipment; and

WHEREAS, proposals were received from two equipment suppliers with Gladwin Machinery being the lowest proposal supply of a 6' Hydraulic Plate Shear and Hydraulic Plate Radius Shear.

NOW, THEREFORE BE IT RESOLVED, that a contract for the 6' Hydraulic Plate Shear and Hydraulic Plate Radius Shear be awarded to Gladwin Machinery; and

BE IT FURTHER RESOLVED, that such contract shall include all of the provisions of the specifications as stipulated by Washington County and as agreed to by Gladwin Machinery; and

BE IT FURTHER RESOLVED, that the contract between the county and Gladwin Machinery be executed through the signature of the Chairman of the Washington County Board of Commissioners and Washington County Administrator without further action of the County Board conditioned upon contract execution by the vendors and approval as to form by the Washington County Attorney's office.

The foregoing Consent Calendar was adopted unanimously.

### **COMMUNITY CORRECTIONS**

Lloyd Knutson, Chair, and Todd Bruehl, Vice-Chair, of the Community Corrections Advisory Board, presented a brief summary on the activities of that group for the past year. Topics that the Advisory Board has been involved include: Early discharge from probation—it was felt that early discharge was an important incentive to some probationers to complete their conditions and remain crime free, although as a tool to reduce case loads it was less helpful; Statistics were given showing how Minnesota ranks nationally—21<sup>st</sup> in State population, 32<sup>nd</sup> lowest crime rate; 46<sup>th</sup> per capita spending in corrections; 49<sup>th</sup> lowest incarceration rate; one of the lowest repeat rates in the nation; and, the Advisory Board gave feedback on the 2006-2007 Comprehensive Plan.

The Board members thanked Mr. Knutson and Mr. Bruehl, as well as all the citizen advisory groups. They feel they are important to the county process.

### **TRANSPORTATION AND PHYSICAL DEVELOPMENT**

#### **Contract Award for Division 27 – Mechanical for the South Service Center**

Commissioner Peterson moved to adopt **Resolution No. 2006 -051**, as follows:

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Contract Award for Division 27, Mechanical, for Construction of the  
South Service Center in Cottage Grove to Kumar Mechanical

WHEREAS, in order to accomplish the construction of a County Service Center in Cottage Grove, the County solicited bids for this project; and

WHEREAS, bids were opened on February 14, 2006 with bids accepted in 29 bid divisions; and

WHEREAS, contracts for Bid Divisions 1-26, 28, and 29 were awarded at the meeting of the County Board of Commissioner on March 7, 2006; and

WHEREAS, Bid Division 27, Mechanical, called for the use of Automated Logic DDC System with Automated Logic – Twin Cities as the installer; and

WHEREAS, it has been established that there is no suitable alternate to the aforementioned system and installer; and

WHEREAS, the contractor has agreed to use the aforementioned system and installer at the bid price.

NOW, THEREFORE BE IT RESOLVED, that Kumar Mechanical be awarded the contract for Division 27, Mechanical of the South Service Center project in the amount of \$1,310,000, conditioned upon the execution by Kumar Mechanical of contract #3590 which is attached hereto and made a part of this resolution.

BE IT FURTHER RESOLVED, that the contract between the county and Kumar Mechanical be executed through the signatures of the Chairman of the Washington County Board of Commissioners and the Washington County Administrator without further action of the County Board conditioned upon compliance with all bid specification requirements and approval as to form by the Washington County Attorney's Office.

BE IT FURTHER RESOLVED, that if Kumar Mechanical fails to execute the attached contract within 10 days of the date of this resolution, the Washington County Board of Commissioners prospectively declares all bids for Division 27, Mechanical for the South Service Center to be rejected and authorizes the Department of Transportation and Physical Development to rebid Division 27, Mechanical without further action of the Board.

Commissioner Hegberg seconded the motion and it was adopted unanimously.

**Use of County Gravel Pit for CSAH 8/14 Construction Project**

Commissioner Hegberg moved to approve Supplemental Agreement No. 2 to use the county gravel pit as a source for granular material to be used on the CSAH 8/14 construction project. Commissioner Kriesel seconded the motion and it was adopted unanimously.

**RE-OPEN PUBLIC HEARING - TRANSPORTATION AND PHYSICAL DEVELOPMENT**

**Comprehensive Plan Amendment/Rezoning Application Submitted by Holiday Stationstores, Inc.**

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The Board Chair noted that this is the continuation of the April 4, 2006 public hearing on the application from Holiday Stationstores, Inc. for an amendment to the Washington County Comprehensive Plan and the rezoning of property located in West Lakeland Township. He noted that at the April 4 hearing, the public hearing was closed and a motion was made by Commissioner Kriesel, seconded by Commissioner Hegberg to grant the application to amend and rezone. However, before the motion was voted on, a motion to table was made, seconded and approved. The Board Chair called for a motion to take Commissioner Kriesel's motion off the table.

Commissioner Kriesel moved to remove the motion to approve the application from Holiday Stationstores, Inc. to amend the Washington County Comprehensive Plan and rezone 7.3 acres of their 60 acre parcel in West Lakeland Township from Single Family Estate to Commercial/Industrial-Rural from the table. Commissioner Peterson seconded the motion and it was adopted unanimously.

The Board Chair asked Commissioner Kriesel whether he wished to proceed with the vote or request to withdraw the motion.

Commissioner Kriesel stated he would withdraw his motion to approve the application from Holiday Stationstores, Inc. to amend the Washington County Comprehensive Plan and rezone 7.3 acres of their 60 acre parcel in West Lakeland Township from Single Family Estate to Commercial/Industrial-Rural. Commissioner Hegberg withdrew his second.

The Board Chair asked if there were any objections to withdrawing the motion; hearing none the motion was withdrawn.

The Board Chair stated that because Board members had technical questions to ask the staff, he would now entertain a motion to reopen the Public Hearing for the limited purpose of questions by the Board members.

Commissioner Peterson moved to reopen the public hearing on the application from Holiday Stationstores, Inc. for an amendment to the Washington County Comprehensive Plan and the rezoning of property located in West Lakeland Township for the limited purpose of questions by the Board members. Commissioner Hegberg seconded the motion and it was adopted unanimously. The public hearing was reopened at 9:26 a.m.

Jim Schug, County Administrator, stated that following the last meeting a number of questions were raised regarding traffic, public safety, septic system, the comp plan, and so forth. Staff have been researching those questions over the course of the week and they are here this morning and are prepared to answer any questions the Board may have.

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Commissioner Stafford asked County Sheriff Steve Pott what is the county's obligation related to law enforcement in townships. Sheriff Steve Pott stated the requirements are not much different for cities and townships. Historically, cities and townships are required to provide for the safety and security of their residents. Sheriffs' offices around the state typically provide emergency response anywhere in the county if a local department doesn't exist. For the non-emergency type responses it is trickier. There isn't a clear expectation or requirement that the County Sheriff respond to those types of calls. The cities in the county who do not have their own police department, with the exception of Marine on the St. Croix, contract with the county. New Scandia Township also contracts with the county for one officer about 40 hours per week.

Commissioner Stafford stated that his concern was if any community, not just West Lakeland, is in an expansion mode with a growing population, they increase the environment for violations to occur. In a township, is the county required to meet that demand, or is there an expectation that the local government would help subsidize that. Commissioner Stafford indicated that the Sheriff has suggested that West Lakeland could perhaps use a contract service, and their response was that they felt they were adequately taken care of. Sheriff Pott stated he does not know if there is an easy answer for that. Before Grant became a city they also contracted for a short period of time as they were growing. New Scandia Township is in a similar situation now where they are moving toward incorporation. He's not sure what drove that, he thinks calls for service was part of it. West Lakeland is in an interesting spot in that particular corner—Afton contracts with the county for service, Woodbury is on the southwest corner and they have their own police department and Lake Elmo contracts on the northwest corner. West Lakeland is the only corner that doesn't have contract policing. He would hope that the expectation isn't that the three surrounding police contracts or police departments would pick up the slack because it is in close proximity to those that are paying for the extra service. He has no idea what kind of activity would be generated at a gas station. His anticipation would be calls for drive-offs, bad checks, credit card, those types of violations as opposed to significant person crimes. It would get down to how those calls are dealt with, and does the Sheriff's Office provide investigative services and response services at no cost, or is there a responsibility on the part of the township to step up a little bit.

Commissioner Stafford asked if they would have another opportunity to revisit that issue once the permitting process starts. Sheriff Pott responded that he would guess the township is evaluating that on a regular basis. As they grow they are evaluating their needs for police services with or without the development. He believes that at some point West Lakeland will be at a point to do something other than rely on the county's general patrol when they are available.

Commissioner Pulkrabek asked how this works, whether it's West Lakeland, Lake Elmo or whatever community contracts with the county. What if they only want to pay for what is considered an insufficient level of police protection, say they only have one police officer and they clearly need four. Does the Sheriff's Office have the authority to say there have been X amount of calls and one officer isn't sufficient, how is that handled? Sheriff Pott stated that is an interesting dilemma and is going through the courts right

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now in a different part of the state. A city is challenging the requirement of the Sheriff to provide police service if they just quit providing it. He is not sure where that will land or if it has been finally decided. Fortunately, they haven't run into that situation yet. They work with the contracts on a regular basis, annually visit the activity levels and recommendation for staffing. There isn't a formula. The answer to the question is legally, they probably could quit responding to calls, whether he or the Board could survive that decision is another question. He feels the pure letter of the law doesn't require the Sheriff, particularly in non-emergency situations, to respond.

Commissioner Peterson stated that Grey Cloud Township contracts with the City of St. Paul Park. She asked if Denmark also contracts with the county. Sheriff Pott stated they do not. They are still operating under the general patrol services. The county actually contracted with Grey Cloud Township for a period of time, but with response time and it being a remote location for the county that ended. Also, Forest Lake Township had a contract of three officers prior to incorporation with the City of Forest Lake. It is not without precedence that the townships have contracts with the county.

Commissioner Stafford asked if the incidents increased to a level where the present contract just wouldn't do it with the amount of officers under contract for a particular city or township, what would happen? Would they be asked to expand the contract or does the taxpayers of the entire county pay for the slack? Sheriff Pott stated that the cities have stepped up and where growth and calls for service have increased they've been able to work with the cities either through COP grants or through other means to fund an officer. They have offered in the past to split contract services. For instance if New Scandia wants to increase their police contract maybe they can partner with May Township or Marine. They have a joint contract in the Lower St. Croix Valley area, Afton, Lakeland, Lakeland Shores, St. Croix Beach, St. Mary's Point share three contract officers. The same in Mahtomedi, Dellwood and Willernie share five officers. If there is a good fit that makes sense, and maybe West Lakeland and Lake Elmo would be a good fit to partner, or West Lakeland and Afton.

Commissioner Peterson is concerned, because the Sheriff's department is funded through the county general budget. She represents some of the poorest areas in the county. She has a concern when she sees some of these poorest communities subsidizing some of the wealthier townships. Sheriff Pott stated the patrol force is split just about 50/50 contract officers versus general patrol officers. As a whole, he believes the areas that have the most calls for service have stepped up. As areas grow that is something they have to struggle with and it is not cheap. It costs somewhere between \$70,000 and \$80,000 a year per deputy when the car and benefits are figured in.

Commissioner Kriesel stated that is a good argument for a later day. He does not totally agree. He thinks the prosperous townships end up subsidizing some of the less fortunate in many aspects. They don't have the commercial nor the infrastructure or things like that.

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Commissioner Stafford asked about the traffic issues. What would have to be done to ease the problem. What is out there now without Holiday and is that problem exacerbated by putting an enterprise on that intersection and what would it cost be accommodate that service and who would pay for it. Ted Schoenecker, Transportation Engineer, stated that the Minnesota Department of Transportation is aware that there is a problem out there. In 2010 they have it programmed in their budget to install traffic signals at both ramps and also at Hudson Road to the south.

Commissioner Stafford clarified that MN/Dot has it in their plan. What would the cost sharing be presently, in 2010 if they took care of those intersection regardless of Holiday, who would pay for that? Mr. Schoenecker stated that MN/Dot received federal funds. The two ramps they are 100% responsible for. The Hudson road intersection it would be spit between MN/Dot, Woodbury and Afton. If any signals occur, for whatever reason, at the north frontage road, Hudson Boulevard, it would be a cost sharing between MN/Dot and the county.

Commissioner Stafford stated there was some suggestion that if 10<sup>th</sup> Street and Manning were signaled, and there were signals at the bridge, they could be synchronized to possibly avoid a signal at the Holiday entrance. Is there any plan to signal 10<sup>th</sup> Street? Mr. Schoenecker stated that 10<sup>th</sup> Street is in their signal ranking system. He is not sure how it ranks, but believes it is in the top 10 every year. It hasn't jumped out on their radar as a dire need to put in a traffic signal there.

Commissioner Stafford asked if that dire need would change if there was a facility on that corner like Holiday. Mr. Schoenecker stated there may be a need for it. What they plan on doing is if the rezoning is approved and as they come through with a more formal site plan, they will examine the need for a traffic impact study. Out of that study there will come recommendations as to what improvements need to be made and what the cost sharing will be for those.

Commissioner Stafford stated that other than the fire protection question, his questions have been answered.

Commissioner Peterson stated her questions are with planning and zoning. She would like to see the new comp plan for Lake Elmo. Her questions are: Are there any additional roads planned to accommodate the open space on either side of the road. Dennis O'Donnell, Senior Planner, stated he talked with the officials with the City of Lake Elmo. They indicated to him that they have updated their Comprehensive Plan and the city council has approved that plan. It was forwarded on to the Metropolitan Council and the Community Development Council of the Metropolitan Council recommended approval of that plan to the full Council. On April 12 the full council will take it up. They have shown on their plan for that corner, the area in brown, is called a business park classification. The intended use of that property would be medical facilities or professional business offices or headquarters for companies, but primarily office use. The agreement they have with the Metropolitan Council is that none of that property be developed until sewer and water gets there and if it is the only thing that could happen there is single family residential at a density of one home

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per twenty acres. The sewer staging for that area is post 2020, so the plan is for after 2020 to have that area sewerred. There is a small parcel of three, four or five acres that is highlighted in red, between the frontage road and the interchange, that designation is limited business, primarily office use.

Commissioner Peterson asked if they are looking at any additional access. Mr. O'Donnell stated it is still premature to be looking at accesses at this point. They will be moving from west to east.

Commissioner Kriesel asked specifically what the red zoning was. Mr. O'Donnell stated it was limited business and the uses allowed in the limited business are primarily office type uses.

Commissioner Kriesel asked what is allowed with the other. Mr. O'Donnell stated it was business park or pretty much the same as the red.

Commissioner Stafford asked about waste management. What specifically did the county approve in the facility that was going to be built. There was testimony that the system would be built to be 30% more efficient than required. He asked someone from Public Health to verify the details of the permit including more specific detail about the soil conditions in that area. The second question is about water supply. Not much was discussed about water supply. He asked for clarification on the source and the long-range plan for water supply. He assumed that Holiday would have its own well, but if this project leads to more commercial development in that area, is it assumed that everyone has their own well, or has there been discussion about a municipal well. This issue was raised when the Board talked about a platted development for Baytown, so there was some prior concern about that type of situation on behalf of the county.

Cindy Weckwerth, Program Manager with the Department of Public Health and Environment, stated that the county has reviewed a couple of renditions of septic designs in the area. Most recently there was one submitted in January and they believe there is a primary design that has been identified. However, before they would issue a permit, there would need to be additional soil work out there. She indicated this was a very wet lot. Regarding the efficiency issue, Ms. Weckwerth indicated that they cannot verify at this time whether or not it's 30% more efficient, but they can comment that as part of the design there is pre-treatment built into the design of the system which will bring the waste stream down to or below a domestic waste stream. Because of that, theoretically they could maybe design the mound a little smaller, but the proposal they have in front of them shows it's still at its initial design. There is some efficiency there with the gravel filter that is in place. As far as the water supply system, it is her understanding that they are looking at an individual well. If part of the longer range plan is to look at a community water supply, now would be a good time to start talking with West Lakeland to get some of the infrastructure into place. There is a requirement for a 100 foot set back from any wells from the tank. They should be thoughtful in the planning process with regard to working around the septic tanks and the placement of the well. This well would be under the same guidelines as any other domestic well because it wouldn't be considered a community well.

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Commissioner Peterson asked Ms. Weckwerth if there are contaminated waters in this area. Ms. Weckwerth stated not under this particular parcel. It is not part of one of the existing special well construction areas.

Commissioner Peterson asked about the additional 60 acres that abuts this land, does staff have any idea about the capabilities of it, doing an on-site well and septic system? Ms. Weckwerth stated the soils to the east are also very wet, so it's unlikely that would be a good candidate for a septic system.

Commissioner Kriesel asked regarding the water quality, whether it's the well or the septic system, in order for the county to approve a permit, there is a pretty rigorous process to get approval. Would it be accurate to say that following the approval process, if a septic system or well was approved, she would be confident that it should operate well in regard to public safety? Ms. Weckwerth stated they do go through a rigorous process. They have been out there a lot doing soil borings trying to understand the characteristics of the site. If they got to the point where they were permitting, they would be confident that it was adequate sewage treatment. The issue with the well, that is permitted by the Minnesota Department of Health, so it would go through their process.

Commissioner Peterson asked Mr. O'Donnell what is the rest of the zoning along I-94, other than Lake Elmo. Mr. O'Donnell stated the area further to the west is also the business park and then from that area to the west is shown in yellow and that shows single family residential with density of 3 ½ dwelling units per acre. There are the small little red areas that would be limited business between the frontage road and the highway.

Commissioner Peterson asked Mr. O'Donnell to point out the roads. Mr. O'Donnell stated that from Manning to Lake Elmo Boulevard, that portion is the business park. Further to the west between Lake Elmo Boulevard and Inwood Avenue it looks like that is the single family residential.

Commissioner Peterson stated that apparently there will be no additional road that would run east/west other than 10<sup>th</sup>? Mr. O'Donnell expected there would be some additional roads east/west when the properties are developed.

Commissioner Peterson stated those are her concerns as access management is started. She really is not sensing an overall plan for the development of a road that would accommodate what she expects will happen in the future.

Commissioner Peterson asked how far is sewer and water in Lake Elmo now. Mr. O'Donnell stated at this point sewer and water is just to the east of Inwood Avenue.

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Commissioner Peterson stated that the capacity is there for all of Lake Elmo, correct? Mr. O'Donnell indicated they are starting from the city center and going south then there will be capacity along the highway. Commissioner Peterson asked if the MUSA line could accommodate that. Mr. O'Donnell indicated it could.

Commissioner Hegberg pointed out that the City of Afton on the north side of their city, but on the south side of the highway, that is zoned commercial, is that correct? Mr. O'Donnell stated that is correct, he believes it is rural/industrial type uses. They have truck terminals and so forth.

Commissioner Hegberg asked if that area were covered by water or sewer. Mr. O'Donnell stated it was not.

Commissioner Hegberg asked when the soil borings were done, Ms. Weckwerth stated that the area was wet. Was that wet because they had clay soils or sandy soils and the water table was high? Lowell Johnson, Director of Public Health and Environment, stated that Ms. Weckwerth had to leave. Chris LeClair has been working with the septic program and he indicated that they would characterize them as neither clay nor sandy but they were wet. There were mottled conditions in that area of existing water.

Commissioner Hegberg asked if it was coming up from the ground or just groundwater on the top not being able to penetrate the soils. Mr. LeClair indicated it was both.

The Board Chair asked for further questions from the Board; none were heard.

Commissioner Hegberg moved to close the public hearing. Commissioner Kriesel seconded the motion and it was adopted unanimously. The public hearing was closed at 10:00 a.m.

Commissioner Kriesel stated he would support the Comprehensive Plan amendment and zoning application for the same reasons he made for the motion at the last meeting. There was unanimous support from the West Lakeland Township Board and their Planning Commission. One of the county Planning Commission members called him and changed his mind and now supports the rezoning. He appreciates the input he got from all the folks, whether they were for or against it. He feels it is incumbent on citizens to work with their local elected officials to determine what the future of their community is going to be. He feels the water quality issue will be thoughtful. He believes there are rigorous and professional guidelines in place. He thinks the traffic has already been recognized as having problems at the intersection and it will be mitigated in the future. Traffic studies are generally done after a facility or construction takes place to understand what that impact is and how best to address it. He feels the threat of annexation is real and it can happen.

Commissioner Hegberg will also support the motion for the same reasons as Commissioner Kriesel. He does not find that it is spot zoning because the City of Afton to the south is already commercial and has been for a number of years and it is not on city water and sewer. The issue of water contamination has been

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addressed. Even where there is city water and sewer, testimony indicates you cannot put gasoline or hazardous waste down the municipal system. It has to go to the side and taken care of on-site. This site would have to be treated the same as a city site.

Commissioner Stafford stated he was asked why he might burden this process with all these questions when the same questions will come up again during the permitting process. He was confused by the process in a sense that the county would rezone something and then come up with a fistful of objections later on in the permitting process. That struck him as being unfair to the developer. If there was going to be so many problems as to make development there prohibitive, why would the county give them permission to seek permission and then turn them down. Apparently that is the nature of the game and Attorney Gandrud is prepared to go through that. If he had the power he would ordain that the land is over-classified as residential, and until some of the environmental issues are addressed he would zone that as limited agriculture. He is not sure under its present use what sorts of nutrients are going on that sod farm. What he has come down to is that it doesn't seem to matter how it is zoned now, those problems will be there whether it's residential, agriculture, or commercial. He will probably hold his nose and support the motion, but he would put the people on notice that he is going to push for an Environment Impact Statement to get the other questions answered and the permitting process is likely to be long and painful. Commissioner Stafford stated that both sides had valid points to make and there were some bogus points on both sides. The Board took this assignment seriously, but they didn't buy everything that was said.

Commissioner Peterson stated she will not support the request. To her it is still a planning issue. Granted, they are doing a rezoning for 10 acres, but there's a 60 acre additional parcel. She is concerned about future infrastructure and placement of roads. She looks at what is ahead of the county in the cost of putting in infrastructure and she wants to make sure that it is adequately and appropriately designed. She would be much happier if the county were doing a planned unit development for the whole 60 acres including that area so she better understood that any investment being made would be made appropriately and in conjunction with the land on the west side of it. She believes that when they added the sewer and water in the comp plan that was a compromise and at this point she still believes that development should only occur when sewer and water is available and they have a better idea as to how those parcels of land will be developed in the future so the infrastructure is more clearly managed.

Commissioner Kriesel moved to approve the application from Holiday Stationstores, Inc. to amend the Washington County Comprehensive Plan and rezone 7.3 acres of their 60 acre parcel in West Lakeland Township from Single Family Estate to Commercial/Industrial-Rural. Commissioner Hegberg seconded the motion and it was adopted 4-1 with the vote as follows: Yes, Commissioners Kriesel, Pulkrabek, Stafford and Hegberg; No, Commissioner Peterson.

Commissioner Stafford asked to clarify one more thing. He believes he answered all his e-mails, but did miss one phone call. He had made a remark at the public hearing that the future of townships in this county

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was limited. He got a phone call asking if the Board knew something that he didn't know. Commissioner Stafford stated there is not legislation pending, it is just the nature of the way things are developing in Washington County. As more and more townships covet more and more desire to have more control over their own destiny, they have elected to go to cities. But there is no plan to eliminate West Lakeland as a township.

The Board Chair directed the County Attorney's Office to prepare a resolution for the next meeting reflecting the County Board's decision today.

## **GENERAL ADMINISTRATION**

### **Legislative Update**

John Kaul, County Legislative Liaison, presented a brief legislative update on issues of interest to Washington County. County priorities discussed were: Local taxpayer protection; Transportation bonding bill—North Star corridor, local bridge demolition, language in the senate to advance the Red Rock Corridor line, local road improvements; MVET Constitutional Amendment; Big Marine land acquisition; maintenance of effort as it applies to chemical dependency; Dedicating a portion of sales tax to parks, hunting and arts; eminent domain; targeted case management; and short term offenders.

Commissioner Stafford asked about a bill that Senator Kelly has that will increase the funding for 800 MHz to enable a statewide build out by raising the 911 fee on the phone bill to \$1.00. Is there any chance of that happening this year? Mr. Kaul stated he believes it has a better chance of passing the Senate, but he wouldn't be optimistic about it passing the House.

Mr. Schug stated that the county was contacted by Keith Carlson, Metropolitan Inter-County Association, regarding a proposal that affects the mortgage and deed tax. Currently, Hennepin and Ramsey Counties have the legal authority to impose a .01% additional fee on all mortgage and deed taxes which can be used for environmental projects. A number of counties are asking that this be expanded to other counties. Kevin Corbid, Director of Assessment, Taxpayer Services and Elections, looked into this and it would raise approximately \$720,000 in Washington County based on 2005 numbers. He asked the Board if it would be interested in adding Washington County's name to the list of counties that would be permitted to impose this additional fee.

Commissioner Stafford indicated it sounded good to him. He asked if it could be used for the green corridor. Mr. Schug stated there was a wide definition. He was not sure if it could be used for land protection in the absence of an environmental issue. It would be something they would explore.

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Commissioner Peterson stated she becomes frustrated as the Board looks at funding and adding fees on to this and that when there is an overriding responsibility of government to evaluate itself, levy for what's really needed and get on with the business. The interest rate on houses keeps going up. There has been a flurry of activity and it's great because a lot of people have gotten into houses that they wouldn't have. When she looks at what the marriage license has done, what the deed tax has done, what all of these other taxes have done, these fees, really only do one thing and that is to encourage people not to be responsible and not to legislate responsibly and to make the appropriate decisions.

Commissioner Kriesel stated he concurs with Commissioner Peterson's comments. He feels all these voodoo taxes/fees, it's almost like when you get your electric bill now-a-days, you try to figure out what your electricity and gas costs are and there are so many riders on it, it's hard to keep everything separate. He is not interested in any additional fees or taxes.

Commissioner Hegberg feels it should be statewide and it should be offered so the county would have that option.

Commissioner Pulkrabek stated he is alright with it.

Mr. Schug stated that one of the things that have been discussed for a possible use is where there is an environmental issue where a parcel needs remediation in order to develop. They have had input from the cities where they would like to see the county do more in terms of economic development. If that was a possibility, it would make some money available to help with a small brown field to help clean up an environmental issue so the land could be redeveloped. Perhaps if it were made optional on the part of the county, staff could take a more in depth look at whether or not this would have a use in economic development or other environmental clean up.

#### **COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Hegberg reported on the Foster Care dinner he attended last week. He thanked those individuals who offer those services to Washington County. They are valuable to the county.

Commissioner Peterson asked about historic signs for Military Road. They have not been put up and she would like to know where they are and when they will be going up.

Commissioner Peterson stated that Cottage Grove will hold an Arbor Day celebration on April 29 from 9:00 a.m. to 1:00 p.m.

Commissioner Kriesel mentioned a service award for Brian Nichols, Baytown Township Board member, thanking him for his 37 years of public service.

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Commissioner Stafford reported that he and Commissioner Hegberg testified in favor of a bill introduced by Representative Ray Vandever regarding tax exempt property that is sold or gifted to an organization that then puts it into a taxable mode. The statute, if it prevailed, would be like green acres where the farmer once they sold their land they would have to pay three years of back taxes. Commissioner Stafford testified that it would be easy to do administratively, and Commissioner Hegberg testified that a public hearing should be held when those sales take place.

Commissioner Pulkrabek announced that on Saturday, May 6 in Oakdale, 8:00 a.m. to noon, there will be an event to plant 300 trees along Hadley from 50<sup>th</sup> Street to 53<sup>rd</sup> Street and they need volunteers.

Commissioner Pulkrabek noted an article he read in the paper. It states that the House GOP is calling for property tax rebates in the amount of 10%. He stated that stuff like this irritates him because the premise of this type of "Santa Claus" legislation during election years is that somehow local governments are out of control and they are spending too much money at the local level. So instead of cutting sales tax or income tax at the state level they will once again demonize the local governments and make them look bad. His response is that in 2003 the general fund that the State of Minnesota spent was \$13.89 billion. Three years later in 2006 it is scheduled to be \$15.76 billion which is a 13% increase over three years. Washington County's operating budget in 2003 was \$148.6 million in 2006 it was \$147.29 million, which is a decrease of 1%. From 1992 to 2002 the State of Minnesota tax revenue has grown 77% and local government tax revenue has increased 42%. He gets a little annoyed when the county is constantly demonized by the Governor's Office and the legislators as being out of control with people's money. They need to look no further than the Capitol if they want to curb spending.

Commissioner Pulkrabek noted that this Friday is Commissioner Stafford's birthday. The Board members congratulated him.

Commissioner Pulkrabek presented County Administrator Jim Schug with his 20 year anniversary Certificate of Recognition.

### **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 Stafford and it was adopted unanimously. The Board meeting adjourned at 10:51 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 the 2006 assessment report. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Kriesel, Stafford, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Kevin Corbid, Bruce Munneke, Rollie Huber, Joanne Helm, and Yvonne Klinnert, Stillwater Courier.

**BOARD WORKSHOP WITH TRANSPORTATION AND PHYSICAL DEVELOPMENT**

The Board met in workshop session with the Department of Transportation and Physical Development to discuss the Lake Elmo Park Reserve Master Plan amendment. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Kriesel, Stafford, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Jim Luger, and John Elholm.

**BOARD WORKSHOP WITH COUNTY ADMINISTRATOR**

The Board met with the County Administrator to conduct his annual performance review and review the status of the 2005-2006 work plan. Present were Commissioners Peterson, Kriesel, Stafford and Hegberg and Jim Schug.

Bill Pulkrabek, Chair  
County Board

Attest:

James R. Schug  
County Administrator

