

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**MARCH 16, 2010**

The Washington County Board of Commissioners met in regular session in the Washington County Government Center, County Board Room. Present were Commissioners Weik, Peterson, Kriesel, and Hegberg. Commissioner Pulkrabek absent. Vice Chair Kriesel presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Dan Papin, Community Services Director; Richard Backman, Community Services Division Manager; Don Pelton, Community Services Supervisor; Lowell Johnson, Director of Public Health and Environment; Judy Hunter, Senior Program Manger; Jeff Travis, Program Manager; Myjke Nelson, Information Technology Director; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Manager; Greg Wood, Facilities Manager; Eric Jalowitz, Facilities Project Manager; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Sandy Hahn, Community Corrections Deputy Director; Carol Peterson, Elections Supervisor; Vicki DeFord, Deputy Human Resources Director; Jane Harper, Principal Planner; Amanda Hollis, Management Analyst I; and Yvonne Klinnert, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC**

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

**CONSENT CALENDAR**

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

1. Approval of the March 2, 2010 Board meeting minutes.
2. Approval to appoint Pamela McLain, Forest Lake, to the Workforce Investment Board, representing Small Business, to a first term expiring June 30, 2012.
3. Approval to accept \$30,000 per year in federal funds for 2010 and 2011 for Family Group Decision Making, a child protection service.
4. Approval to vacate an easement and authorize execution of appropriate documents relative to Sanitary Landfill Cleanup Agreement with the Minnesota Pollution Control Agency.

- 5. Approval to ratify the 2010-2011 wages and health insurance for Confidential Supervisors as follows:

Wages:

General Increase for 2010 – 0%  
 General Increase for 2011 – 0%  
 Annual Step increase for 2010 – granted for those employees that are eligible in the range.  
 Annual Step increase for 2011 – 0%  
 No merit pay for eligible employees for 2010 and 2011

2010 Health Insurance Employer Contribution – no change from 2009:

<u>Aware \$20 Office Visit Copay</u>		<u>Aware \$25 and \$30 Office Visit Copay and \$500/75% Plans</u>	
Single	\$433/month	Single	\$480/month
Employee + Child(ren)	\$433/month	Employee + Child(ren)	\$524/month
Employee + Spouse	\$589/month	Employee + Spouse	\$708/month
Family	\$619/month	Family	\$829/month

Insurance Reopener for 2011.  
 No change in flex credits for 2010.

- 6. Approval to renew application of on sale and Sunday liquor license for the Outing Lodge at Pine Point, LLC for the period April 1, 2010 through March 31, 2011.
- 7. Approval of extended business hours on Saturday, March 27, 2010 in the Stillwater License Center, Woodbury License Center and the Forest Lake License Center.
- 8. 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.
- 9. Approval and execution of Amendment No. 3 with Parsons Electric, LLC for electrical services to extend the contract term to February 14, 2011.

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

**COMMUNITY SERVICES**

Commissioner Hegberg moved to adopt the following proclamation:

March 9, 2010

Washington County  
Proclaims  
April as Child Abuse Prevention Month

WHEREAS, child abuse is an issue that affects all members of our community and finding solutions depends on involvement among people throughout the community;

WHEREAS, child abuse prevention works when partnerships are created between parents, practitioners, schools, faith communities, health care organizations, law enforcement agencies, and the business community;

WHEREAS, family-serving, youth-focused prevention programs offer positive alternatives for young people and encourage parents and youth to develop strong ties to their communities;

WHEREAS, all citizens need to be more aware of child abuse and neglect and its prevention within the community, and be involved in supporting parents to raise their children in a safe, nurturing society.

NOW, THEREFORE BE IT RESOLVED THAT, the Washington County Board of Commissioners hereby proclaims April as Child Abuse Prevention Month in Washington County, Minnesota.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners calls upon all citizens, community groups, religious organizations, medical facilities, and businesses to increase their participation in efforts to prevent child abuse and neglect, thereby strengthening the community in which we live.

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

Sue Lewis, member of the Washington County Child Protection Citizen Review Panel informed the Board of an upcoming Child Abuse Prevention event to be held at 9:00 a.m. on April 5, 2010 at the Historic Courthouse.

### **PROPERTY RECORDS AND TAXPAYER SERVICES**

Commissioner Peterson moved to approve a joint powers agreement with Washington County Elections and School District 832, Mahtomedi Area Schools, to provide election administration services. Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent.

### **PUBLIC WORKS**

#### **Update on the Washington County Environmental Center**

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Jeff Travis, Program Manager, presented a brief update on the first six months of operations at the Washington County Environmental Center. The free product room has been well received. It is hard to keep items on the shelves. In 2009 25,518 participants have used the centers and that was with the center being closed for ten weeks. About 1.2 million pounds of household hazardous waste has been disposed of, with the same amount of electronics. 70,000 pounds of material was used which saved \$40,000 in disposal costs.

Eric Jalowitz, Facilities Project Manager, reviewed Change Order #3 which will address city fire code requirements, county-directed changes, and remaining items such as installation of security gates and landscape completion.

Commissioner Weik moved to approve Change Order #3 to contract with Jorgenson Construction in the amount of \$140,274 funded by County Environmental Charge fund balance. Commissioner Peterson seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent.

### **PUBLIC HEALTH AND ENVIRONMENT**

Commissioner Peterson moved to approve licenses for the use of real property for the collection of household hazardous waste at the following places and dates: April 24 and October 2, Hugo; May 1, Cottage Grove; May 15, Stillwater; and June 5 and September 18, Forest Lake Transit Center. Commissioner Weik seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent.

### **GENERAL ADMINISTRATION**

#### **2010 Census**

Commissioner Peterson moved to adopt **Resolution No. 2010-032** as follows:

#### Resolution in Support of the 2010 U.S. Census

WHEREAS, for more than two centuries the United States Census Bureau has been required by the U.S. Constitution to conduct a thorough count of the population of the nation every ten years; and

WHEREAS, the Washington County Board of Commissioners is committed to ensuring that every resident of Washington County is counted in the 2010 Census; and

WHEREAS, more than \$400 billion annually in federal and state funding (more than \$1,300 per Minnesotan) is allocated to communities, based in part on population counts derived from the Census, including funds for health care, housing, transportation, community development, education, social services, and employment; and

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WHEREAS, population counts derived from the Census determine how many seats each state will have in the U.S. House of Representatives, and often are used to re-draw district boundaries for elected officials at the federal, state, and local levels; and

WHEREAS, data about individuals collected during the Census are kept confidential and not released or shared for 72 years.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners supports the goals and ideals for the 2010 Census and therefore encourages people who live in the county to participate in the Census by completing their form quickly and completely.

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

### **Draft 2030 Comprehensive Plan**

Jane Harper, Principal Planner, presented an overview of the changes made to the draft 2030 Comprehensive Plan since it was submitted to the Metropolitan Council on May 29, 2009. If approved today, the county will submit the changes to the Metropolitan Council. The Metropolitan Council has until mid-July to accept the plan. The Washington County Planning Advisory Commission will review the plan and make its recommendation to the County Board. The County Board will hold a public hearing in early October and will adopt the plan by ordinance.

Commissioner Peterson moved to approve the changes to the draft 2030 Comprehensive Plan and directed staff to submit the changes to the Metropolitan Council. Commissioner Weik seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent.

### **Legislative Update**

Jim Schug, County Administrator, presented a brief legislative update. The first is the agreement for the continuation of the General Assistance Medical Care program. The funding for the continuation of the program is there were no cuts in the child community services act. They will take about \$7.9 million from the adult mental health grant, but in that formula Washington County will only lose about \$128,000 which is less than previous proposals. The second item is the Governor's line-item veto of the bonding bill. Included in the elimination was \$43.5 million for transit projects which included Washington County projects of: \$1.5 million for the Woodbury park-and-ride, loss of funding for the Hastings park-and-ride; and other Counties Transit Improvement Board projects.

Mr. Schug also reported on other items of interest including: A bill seeking funding for voting equipment is moving forward; and last week the County Finance Committee reviewed the proposal for

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special legislation on the disposal of tax forfeited land and that had a good hearing in the Senate and is moving forward.

## **PUBLIC HEALTH AND ENVIRONMENT**

### **Formal Board Hearing on an Appeal of the Department of Public Health and Environment's Findings of Fact, Conclusions of Law and Order Denying Appeal in the Matter of David A. Beaudet, November 15, 2009 of the County Environmental Charge**

The Board Vice Chair presented an overview of today's hearing to consider the appeal of David Beaudet of his 2006, 2007, and 2008 assessments of the Washington County Environmental Charge.

Judy Hunter, Senior Program Manager, stated that on November 15, 2009 the Department of Public Health and Environment received a written request from David Beaudet appealing the County Environmental Charge. On November 21, 2009 the Department of Public Health and Environment sent a letter back to Mr. Beaudet setting the department hearing for December 15, 2009. On January 21, 2010 after listening to the hearing the Department of Public Health issued the Findings of Fact, Conclusions of Law and Order Denying the Appeal to Mr. Beaudet including a copy of the six exhibits that were presented as part of the Administrative Hearing. On February 4, 2010 the Department received a letter from Mr. Beaudet appealing the decision. On February 18 the county issued a notice of County Board Hearing for today to look at the issue.

Ms. Hunter noted that the issue is whether Mr. Beaudet was assessed the proper amount of the County Environmental Charge for 2006 and 2007. As the record indicated it was stated that Mr. Beaudet does own and is a residential property owner in the City of Oak Park Heights. In Oak Park Heights residential waste known as mixed municipal solid waste is collected and transported by Veolia ES Solid Waste Midwest, LLC and they are under contract with the City of Oak Park Heights. As a condition of the license the hauler received from Washington County, they have to follow the ordinance and the ordinance in play during 2006, 2007, and 2008 was Ordinance No. 167. Veolia is required to bill and collect the County Environmental Charge from residential waste generators for waste management services provided to residential generators. In June 2009 Veolia invoiced residents, including Mr. Beaudet, a total of \$119.56 for the three years. In 2006 the actual charge was \$37.68, in 2007 the charge was \$38.46, and in 2008 the charge was \$43.42. The rate for those charges for that year was 39.5 percent. In August 2009, Veolia sent a follow-up bill to generators in Oak Park Heights who had not previously paid the invoice that was received in June in 2009. In September 2009 Veolia provided to the Washington County Public Health and Environment Department a list of residents who had not paid the County Environmental Charge either as part of the June or August invoicing from Veolia. On October 13, 2009, the Washington County Board certified unpaid County Environmental Charges to the property tax and that included Mr. Beaudet's property in the amount of \$119.56.

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Ms. Hunter stated that as part of the hearing, it was Mr. Beaudet's burden to establish that the fee assessed was an inaccurate amount. No evidence was presented that Mr. Beaudet did not receive Veolia waste management services or that the County Environmental Charge to Mr. Beaudet at his residence was incorrectly calculated. Part of the measures that they examined included that the CEC rate for his property in 2004 and 2005 was 39.5 percent and the CEC invoiced to Mr. Beaudet in 2004 was \$36.50. In 2005 the CEC invoice to David Beaudet by the hauler was \$36.71. Those compared to the previous amounts of 2006, 2007 and 2008. Also presented as part of the hearing was evidence that there was a study completed in March of 2009 for the Minnesota Pollution Control Agency called "An Analysis of Waste Collection Service Arrangement". That study included a chart of the average monthly waste management service costs for organized collection cities in the Metropolitan area. When you examine the lowest level of service for organized collection cities in the Metro area at a 30 gallon, the monthly cost of garbage, and that would be a monthly cost to solid waste services, not including recycling or taxes or charges, the monthly average is \$11.72. If you apply a County Environmental Charge of 39.5 percent that would equal a \$55.55 as average County Environmental Charge for the lowest service level. The amounts as calculated by Veolia and charged to the residents of Oak Park Heights seem to be well below the market rate for the region.

Ms. Hunter stated that the appeal by Mr. Beaudet contesting the County Environmental Charge assessed for the years 2006, 2007, and 2008 totaling \$119.56 was denied. Mr. Beaudet timely appealed the Department's decision and is here to present his case.

David Beaudet, Oak Park Heights, informed the Board that in the years 2006 and 2007 he paid \$7.10 a month to the City of Oak Park Heights for solid waste services. The County Environmental Charge at the time was 39.5 percent for each year or a total charge of \$33.65. The charge from Veolia in 2006 was \$37.68, and \$38.46 for 2007. The total overcharge for those two years is \$8.84. The county has records of what the city residents pay to the city for their solid waste. In the year 2008, he paid no money to the City of Oak Park Heights for disposal of his solid waste. The County Environmental Charge was 35.5 percent, but he has no County Environmental Charge fees since he paid nothing. Veolia's bill states the fee for 2008 is \$43.42. The amounts on the Veolia statement are incorrect. Today if you are a customer of waste management and you pay your solid waste a year at a time, you receive two months free service from waste management; hence you don't pay a County Environmental Charge on that. In the years 2006 and 2008 if you switch your solid waste provider each year back then you received the sixth, ninth and twelfth month of service free and hence you paid no County Environmental Charge on the discounted months. Waste Management and Veolia had this arrangement.

Mr. Beaudet stated that many communities require solid waste by each household. But, if you have permission to take your solid waste to work then no weekly solid waste pickup is required and hence no County Environmental Charge is paid to support the Newport facility. The vast majority of this fee

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goes to support the Newport facility. Washington County has a new contract and must subsidize the Newport facility. He suggested that the county go back and find a fairer method to pay for this. Either go back to the property tax or the County Environmental Charge on every parcel.

Ms. Hunter pointed out a section of the Solid Waste Ordinance that was pointed out in the Solid Waste Hearing and that is Section 14.3.2 of Solid Waste Ordinance No. 167 and that is the charge will be applied to all waste management services. So the hauler is required to charge it against the waste management services. They provided service to the residence in 2006, 2007, and 2008.

Mr. Beaudet stated that if the County Board wishes to recover or have Veolia bill the city for those charges that would be the appropriate venue. It is not to use a study that indicates what the reasonable appropriate fee that was cited in the report is not a basis when you have the actual numbers. He believes that going back and reviewing the actual contract and actual billing information from the City of Oak Park Heights is much more accurate than relying on a statewide study, or seven county metropolitan study of the average costs to calculate the County Environmental Charge.

Commissioner Hegberg asked Mr. Beaudet if he resides at 6400 Outlook Trail in Oak Park Heights. Mr. Beaudet replied Lookout Two, yeah.

Commissioner Hegberg asked Mr. Beaudet if he receives services from Veolia. Mr. Beaudet stated he receives services from Veolia, the city solid waste contractor, yes.

Commissioner Hegberg asked Mr. Beaudet if he received those services in 2006, 2007, and 2008. Mr. Beaudet stated yes, with no options since it was a city mandate.

Commissioner Kriesel asked if there were any other questions. None were heard.

Commissioner Kriesel closed the hearing at 10:07 a.m.

Commissioner Kriesel stated that Mr. Beaudet mentioned that he doesn't pay a waste collection bill because the City of Oak Park Heights provides that to its residents. However, that is captured with the taxes that are paid. Obviously there is no free lunch.

Commissioner Peterson moved to authorize the County Attorney to prepare a resolution affirming the decision of the Hearing Officer in the matter of the appeal of Mr. David Beaudet of his 2006, 2007 and 2008 Washington County Environmental Charge. Commissioner Hegberg seconded the motion and it was adopted 4-0 with a roll call vote as follows: Ayes, Commissioners, Weik, Peterson, Hegberg, and Kriesel; Nays, none; Commissioner Pulkrabek absent.

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**COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Hegberg stated he met with the Washington County representative on the Rice Creek Watershed District, John Waller, concerning a public hearing on whether they do an assessment for changing the Judicial Ditch location and other issues on drainage in Forest Lake.

Commissioner Peterson reported that on March 24 she has an Association of Minnesota Counties Transportation meeting and she is not able to attend. She is the chair of the Metropolitan Mosquito Control and they are having an executive committee meeting and doing a performance review of the executive director. She asked if her alternate Commissioner Pulkrabek could attend the AMC Transportation Committee. She feels it is important for someone to attend that meeting, if not a Commissioner then a staff member should attend.

Commissioner Weik reported she will attend an AMC Board of Director's meeting that was called to look for a new executive director replacement for the retiring Jim Mulder.

Commissioner Weik announced that her Father passed away recently and thanked everyone for their show of support.

Commissioner Kriesel reported that he and Chief Deputy Mike Johnson will visit with the Chisago County Commissioners, their staff and Sheriff's Department to get them involved in the Yellow Ribbon Network. They are interested in becoming a Yellow Ribbon County.

**BOARD CORRESPONDENCE**

Board correspondence was received and placed on file.

**EXECUTIVE (CLOSED) SESSION**

The Board moved into Executive Session with the Office of Administration at 10:26 a.m. to discuss a possible joint purchase with the City of Woodbury of property owned by Dale Properties. Present for the Executive Session were Commissioners Weik, Peterson, Kriesel, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Doug Johnson, Wayne Sandberg, Jane Harper, and Patricia Raddatz.

The Board reconvened at 11:03 a.m.

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**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 Pulkrabek absent. The Board meeting adjourned at 11:03 a.m.

**REGIONAL RAILROAD AUTHORITY WORKSHOP WITH PUBLIC WORKS**

The Regional Railroad Authority met in workshop session with the Department of Public Works for an update on the Counties Transit Improvement Board meeting on March 17, 2010. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Weik, Peterson, Kriesel, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Harley Will, Don Theisen, Wayne Sandberg, and Ted Schoenecker.

**BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION**

The Board met in workshop session with the Office of Administration to discuss the Association of Minnesota Counties' 10 point redesign plan. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Weik, Peterson, Kriesel, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Harley Will, Don Theisen, Wayne Sandberg, Lowell Johnson, Sheriff Bill Hutton, Commander Cheri Dexter, Dan Papin, Mike Welling, and Mjyke Nelson.

**BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION**

The Board met in workshop session with the Office of Administration for an orientation of the new County Board Room on the 5<sup>th</sup> floor. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Weik, Peterson, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Harley Will, Don Theisen and Wayne Sandberg.

Gary Kriesel, Vice Chair  
County Board

Attest:

James R. Schug  
County Administrator