

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
JULY 22, 2008

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, Pulkrabek, Hegberg, Stafford, and Kriesel. Absent none. Board Chair Hegberg presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; Linda Krafthefer, Assistant County Attorney; Doug Johnson, County Attorney; Don Theisen, Public Works Director; Dennis O'Donnell, Senior Planner; Ann Pung-Terwedo, Senior Planner; Joe Lux, Senior Planner; Michael Welling, County Surveyor; Keith Potter, Facilities Manager; Dan Papin, Community Services Director; Robert Crawford, Workforce Center Division Manager; Suzanne Pollack, Community Services Supervisor; Julia Wallis, Management Analyst II; Sheriff Bill Hutton; Commander Pat Olson; Lowell Johnson, Director of Public Health and Environment; Deb Paige, Emergency Services Manager; Harley Will, Director of Accounting and Finance; Mjyke Nelson, Information Technology Director; Maggi Aitkens, Public Information Coordinator II; Julie Sorrem, County Risk Manager; Jennifer Wagenius, Property Records and Taxpayer Services, Division Manager; and David Brierley, Public Information Coordinator.

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

1. Approval of the July 8, 2008 Board meeting minutes, and the Board of Appeals and Equalization for 2008.
2. Approval to charge a licensing inspection and background study fee for corporate adult foster providers in Washington County, effective August 1, 2008.
3. Approval of the Memorandum of Understanding between Washington County Workforce Service Area partners from January 1, 2008 through December 31, 2009.
4. Approval of temporary on-sale 3.2 malt liquor license for the Greeder-Hinds-Comfort Post #323 to be used at the Washington County Fair on July 30, 31 and August 1, 2 and 3, 2008.

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5. Approval of the new cooperative agreement with the State of Minnesota Department of Agriculture for the continuation of the Minnesota Waste Pesticide Collection Program and authorize the execution by the Board Chair and the County Administrator.
6. Approval of contract with Oertel Architects to provide architectural and engineering services for South Shop/Household Hazardous Waste Facility/City of Woodbury site master planning.
7. Approval for the County Board Chair and County Administrator to execute a cooperative agreement with Woodbury for CSAH 25 and CSAH 16 construction cost reimbursement, contingent upon County Attorney approval.
8. Adoption of **Resolution No. 2008-095** as follows:

Authorize a Deed Relinquishing Access Control on a Portion of
County State Aid Highway (CSAH) 2 Right of Way

WHEREAS, Washington County in 1998 purchased right of way to reconstruct a portion of CSAH 2 (West Broadway Avenue) in Forest Lake; and

WHEREAS, as part of the right of way acquisition, an agreement was reached to provide a “right-in/right-out” access to serve adjacent properties; and

WHEREAS, this access was constructed to the right of way limits as part of Washington County project S.A.P. 82-602-11; and

WHEREAS, it was discovered that access control remained on a portion of the north line of Parcel 9, described as follows: That part of the North Line of Parcel 9 of Washington County Highway Right of Way Plat No. 105 lying Easterly of the Northerly projection of the West Line of the East 32 feet of Lot 4 of Holmquist’s Addition; and

WHEREAS, it has been determined that the release of access control on the above described line would be in keeping with the intent of the county’s 1998 actions.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes the County Board Chairman and County Administrator to sign a deed relinquishing access control over the above described line.

The foregoing Consent Calendar was adopted unanimously.

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PUBLIC WORKS**HVAC Control Module Replacement Services**

Commissioner Hegberg moved to approve a contract with Automated Logic Twin Cities to provide HVAC control module replacement services for the Government Center South wing. Commissioner Kriesel seconded the motion and it was adopted unanimously.

Public Hearing – Consider Amendment to the Subdivision Ordinance

The Board Chair presented a brief overview of today's public hearing to consider an amendment to the Washington County Subdivision Ordinance to require all subdivision of land when new buildable parcels are created be platted. The Board Secretary indicated that notice of today's public hearing was published in the legal newspaper.

Dennis O'Donnell, Senior Planner, reviewed the proposed amendment to the Washington County Subdivision Ordinance as outlined in his memo to the Washington County Board of Commissioners dated July 14, 2008. In a Board workshop held last year, the Commissioners discussed a proposed amendment that would require most minor subdivisions, creation of three or fewer new lots fronting on an existing public road, be platted. The Board felt there was merit to the ordinance amendment and directed staff to proceed with the ordinance amendment process. At its meeting of April 29, 2008, the Washington County Planning Advisory Commission unanimously recommended approval of the ordinance change. During the past year, staff has also met with townships and it appears that the townships are supportive of this change.

Commissioner Stafford asked, for example, if in the future, an owner of Lot A disagrees with the boundary of Lot B, how do they determine that without metes and bounds, that still will be recorded somewhere? Mr. O'Donnell stated the property will still be surveyed, so the survey line should be accurate and the legal descriptions would be with the survey.

The Board Chair asked for further 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 consider an amendment to the Washington County Subdivision Ordinance. Commissioner Kriesel seconded the motion and it was adopted unanimously.

Commissioner Stafford asked who was notified of this action. Mr. O'Donnell stated that all the townships and all the local surveyors.

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Commissioner Hegberg noted that there was a letter from Grey Cloud Township in support of the amendment. Mr. O'Donnell stated there were also four or five comments from the townships either in excerpts of their minutes or letters from planners.

Commissioner Hegberg asked if Lot B in the future wants to be platted, what would be the process for that. Mr. O'Donnell stated the question is if somewhere down the line wanted to subdivide Parcel B that would then be replatted as Lot 1, Lot 2, Lot 3 of whatever the subdivision name would be.

Commissioner Peterson moved to adopt **Resolution No. 2008-096** as follows:

Resolution Amending the Washington County Development Code
Chapter Three, Subdivision Regulations, Section 5, Minor Subdivision
Ordinance No. 177

WHEREAS, Washington County is authorized to carry on county planning and zoning activities in the unincorporated areas of the county pursuant to MINN. STAT. CHAPT. 394; and

WHEREAS, the Washington 2015 Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124 and was amended on March 6, 2002 to Washington County 2020 Comprehensive Plan; and

WHEREAS, MINN. STAT. §473.865 requires counties to adopt the official controls described in their Comprehensive Plan so as to implement the Comprehensive Plan; and

WHEREAS, the Washington County Development Code was adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

WHEREAS, the Washington County Planning and Advisory Commission held a public hearing on April 29, 2008 to consider the proposal of county staff that the Washington County Development Code be amended to require that minor subdivisions be subject to the platting requirements of the Development code; and

WHEREAS, the Washington County Planning Advisory Commission recommended approval of the amendment; and

WHEREAS, on July 22, 2008, the Washington County Board of Commissioners, pursuant to a Notice of Intent to Amend the Washington County Development Code, conducted a public hearing on the request; and

WHEREAS, the proposed amendment to Chapter Three, Subdivision Regulations, Section 5, Minor Subdivision requires that minor subdivisions be platted; and

WHEREAS, the proposed platting requirement would be in conformance with the Washington County Comprehensive Plan, a Policy Guide to 2020 and the Washington County Development Code.

NOW, THEREFORE, BE IT RESOLVED, that based upon the hearing record, the Washington County Board of Commissioners hereby adopts the proposed amendment to the Washington County Development Code as fully set forth in Exhibit A, which is attached hereto and incorporated herein.

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BE IT FURTHER RESOLVED, that the Washington County Zoning Administrator is directed to make the changes set forth in the Washington County Development Code and cause the same to be published and codified according to law and from and after effective date of Ordinance 177.

WASHINGTON COUNTY DEVELOPMENT CODE AMENDMENT

WASHINGTON COUNTY ORDINANCE NO. 177

The Board of Commissioners of Washington County ordains:

SECTION 1: The Washington County Development Code be amended to delete in its entirety the existing Section 5, Minor Subdivision of Chapter Three, Subdivision Regulations of the Washington County Development Code and replace it with the revised Section 5, Minor Subdivision as set forth in Exhibit A, as attached to Resolution No. 2008-096, to require that minor subdivisions be subject to the platting requirements of the Development Code.

SECTION 2: The Washington County Zoning Administrator is hereby directed to amend the Washington County Development Code in accordance with the foregoing amendment.

SECTION 3: Effective Date. This Ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Passed by the Board of County Commissioners of Washington County, this 22nd day of July, 2008.

EXHIBIT A

AMENDMENTS TO THE WASHINGTON COUNTY DEVELOPMENT CODE

Amend Chapter 3, Subdivision Regulations of the Washington County Development Code as follows: Delete Section 5, Minor Subdivision in its entirety and replace as follows:

SECTION 5. MINOR SUBDIVISION

5.1 In the case of a subdivision resulting in three (3) or fewer parcels and situated in a locality where conditions are well defined and no new roads or other public infrastructure is needed, the county may waive a portion of the platting requirements. However, a plat shall be filed in accordance with Chapter 505 of the Minnesota Statutes unless specifically exempted by Section 5.6 of this Ordinance.

5.2 The following information must be submitted:

(1) A preliminary plat showing the following:

A. Topographic data at two (2) foot contour intervals. Flood plain information may be required if deemed necessary by the Zoning Administrator.

B. Buildable area on the lots.

C. Driveway access points.

(2) Drainage, grading, and erosion control plans.

- (3) Wetland delineation report and map.
 - (4) Soil testing for the installation of an on-site sewage disposal system.
 - (5) A final plat prepared in accordance with Minnesota Statute Chapter 505 showing the original parcel, platted lots, and lands to be dedicated.
- 5.3 Prior to approval of a minor subdivision, the township and/or county reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.
- 5.4 All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive.
- 5.5 All minor subdivisions shall be referred to the Washington County Plat Commission for review. At least 14 days prior to the scheduled Plat Commission meeting, 10 copies of both the preliminary plat and the final plat shall be submitted. The Plat Commission shall review and take action on both preliminary and final plats at their scheduled meeting.
- 5.6 Exceptions to platting requirement. The following are not required to be platted and may be described by a metes and bounds description:
- (1) Any subdivision of land in which all parcels involved are greater than 20 acres in size with at least 500 feet of frontage on a public road.
 - (2) Property line adjustments where no new buildable parcel is being created. Although exempt from platting, a Certificate of Survey shall be submitted for all property line adjustments. The Certificate of Survey shall show the original property lines together with the adjusted property lines. The area in acres or square feet shall be shown for the portion of the parcels lying between the original and adjusted property lines. The Zoning Administrator may require parcels to be combined for tax purposes. The Zoning Administrator may require additional information or survey data be submitted as conditions warrant. Certificates of Survey are subject to review and acceptance by the County Surveyor's Office.
 - (3) If any lot in the subdivision is greater than 20 acres in size, the 20 acre parcel does not need to be platted or a wetland delineation completed for that portion.
- 5.7 All requirements of Section 8, 9, and 10 of this chapter must be met where applicable. The following must also be completed:
- (1) A development agreement must be entered into specifying the number of density units allocated among the parcels (refer to Chapter 3 of the Washington County Zoning Ordinance) and approved by the County Board.
 - (2) If the property abuts a county road or state highway, the road authority's approval of any proposed access locations is required. Written comments from the agency or an approved access permit for the proposed use will be considered proof on concurrence. Approval of access locations on county routes may be given at the Plat Commission review. Access locations, whether permitted or not, from previous uses of the property, are not automatically perpetuated.
- 5.8 The plat shall be reviewed by the Washington County Plat Commission per Chapter 505 of the Minnesota Statutes, and be subject to review and approval by the County Surveyor's Office.

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- 5.9 Final plat shall be presented to the County Recorder/Registrar of Titles for recording within 120 days of Plat Commission approval. Plat Commission approval is null and void after 120 days.

Commissioner Kriesel seconded the motion and it was adopted unanimously.

Change Orders #2 through #9 with Sowles Company

Commissioner Peterson moved to approve the following Changer Orders with Sowels Company, the Campus 2025 improvements steel erection contractor: Change Order #2, \$5,002, design revisions to temporary erection beams; Change Order #3, credit \$20,345, credit for delay costs to precast contractor; Change Order #4, \$42,116.95, extra crane, overtime, and fabrication for delayed/incorrect steel delivery; Change Order #5, \$18,762.44, 200 ton crane for steel not correctly spliced, providing steel, and extra steel tracking work; Change Order #6, \$30,811.17, extra yarding, receiving, and sorting of steel from inaccurate and out of sequence deliveries; Change Order #7, \$20,834.22, fabricate steel not provided by Steel Supplier; Changer Order #8, \$19,050.52, field changes needed to tie into existing LEC roof; and, Change Order # 9, \$38,741.51, field changes needed to complete fabrication. Commissioner Stafford seconded the motion and it was adopted unanimously.

SHERIFF'S OFFICE

Sheriff Bill Hutton reviewed the proposed Joint Powers Agreement with the City of St. Paul to provide law enforcement assistance during the 2008 Republican National Convention to be held September 1 through September 4, 2008. This Joint Powers Agreement will allow Washington County to send personnel to assist the St. Paul Police Department in security. The county will be reimbursed from the City of St. Paul.

Commissioner Kriesel moved to approve the Joint Powers Agreement with the City of St. Paul to provide law enforcement assistance during the 2008 Republican National Convention. Commissioner Peterson seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

Jim Schug, County Administrator, reminded the Board that next Tuesday is the 5th Tuesday of the month so there will not be a County Board meeting. He also mentioned that the Washington County Fair is scheduled for July 30 through August 3 and that Washington County will have an exhibit in Building A, the Sheriff's Office will have a display and the Minnesota Extension and Master Gardener are active in the county fair.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Peterson reported on the Transportation Advisory Board (TAB) meeting she attended last week. She stated that for the last two years she has walked around with the 1989 Metropolitan Bridge Report that indicated the Stillwater Bridge, the Hastings Bridge, the Lafayette Bridge, and the Cayuga Bridge all needed to be replaced; and now all of those bridges are in the 2020 plan for MN/DOT. She is concerned that there was no mention of the high speed rail. MN/DOT assured the TAB that there will be another chapter addressing passenger and freight rail. Yesterday she attended a luncheon for Carol Lovro who is retiring from the Association of Minnesota Counties. She asked that a letter be drafted from the Board thanking her for her years of work in transportation for the State of Minnesota and Washington County.

Commissioner Pulkrabek reported on the National Association of Counties conference he attended last week in Kansas City. The best seminar he attended was the ethanol seminar. It was interesting to hear varying opinions on fuel prices, food prices and cause and effect. He did go to Harry Truman's museum. He knew that President Truman was a county commissioner at one point, and on his tombstone it lists all of the elections he won and lost. The only election he ever lost was as a county commissioner, but he was elected to the next term and served several years after that defeat.

Commissioner Kriesel reported on the tour of the Cottage Grove Armory that was hosted by Colonel John Morris. He mentioned last week that he was a Major and wanted to correct that. They met with Colonel Morris and his soldiers on a troop reintegration program and what partnerships the county could work with them on as far as coordinating services to families and soldiers. On Sunday he met with neighbors of the Manning Avenue project to discuss their concerns about traffic, but for the most part they were pleased with how the county is proceeding on that project. He encouraged everyone to attend the Lumberjack Days in Stillwater this week.

Commissioner Stafford noted the key element to the meeting with Colonel Morris in Cottage Grove was the role that the county could play in helping them connect with other counties in the State for services for returning service people. Commissioner Stafford mentioned that Woodbury Mayor Hargis has just been diagnosed with cancer and will have surgery in early August. He had an early diagnosis and has handled it very well. It looks like he will be okay and Commissioner Stafford wished him the best.

Commissioner Hegberg reported on the National Association of Counties conference and seminars he attended including ethanol, global warming, discussion on President Lincoln, and foster care.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

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ADJOURNMENT

There being no further business to come before the Board, Commissioner Peterson moved to adjourn, seconded by Commissioner Kriesel and it was adopted unanimously. The Board meeting adjourned at 10:20 a.m.

BOARD WORKSHOP WITH PUBLIC WORKS

The Board met in workshop session with the Department of Public Works to provide an update on the draft Counties Transit Investment Board and the interim transit investment framework. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Hegberg, Stafford and Kriesel. Also present were Jim Schug, Ann Pung-Terwedo, Don Theisen, Ted Schoenecker, Joe Lux, Mike Rogers, Harley Will, Wayne Sandberg, Dennis O'Donnell, Dan Papin, and Jane Harper.

BOARD WORKSHOP WITH PUBLIC WORKS

The Board met in workshop session with the Department of Public Works to discuss the Housing and Land Use Sections of the Comprehensive Plan Update 2030. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Hegberg, Stafford and Kriesel. Also present were Jim Schug, Molly O'Rourke, Barbara Dacy, Ann Pung-Terwedo, Don Theisen, Ted Schoenecker, Joe Lux, Harley Will, Wayne Sandberg, Dennis O'Donnell, Dan Papin, Josh Beck, Amanda Strommer, and Jane Harper.

Dennis C. Hegberg, Chair
County Board

Attest:

James R. Schug
County Administrator

