

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MAY 13, 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 Pulkrabek, Hegberg, Stafford, and Kriesel. Commissioner Peterson absent. Board Chair Hegberg 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; Dan Papin, Community Services Director; Cindy Rupp, Community Services Division Manager; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Ann Pung-Terwedo, Senior Planner; Dennis O'Donnell, Senior Planner; Mike Welling, Surveyor; John Elholm, Parks Director; Peter Mott, Public Works Assistant Manager; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Captain Steve Pott; Kay McAloney, Human Resources Director; Kevin Corbid, Director of Property Records and Taxpayer Services; Steve Gransee, Property Records and Taxpayer Services Division Manager; Patricia Conley, Library Director; Lowell Johnson, Director of Public Health and Environment; Sue Hedlund, Deputy Public Health and Environment Director; Harley Will, Financial Services Director; Tom Adkins, Community Corrections Director; Mjyke Nelson, Information Technology Director; and Maggi Aitkens, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval to appoint Shane Bauer, Denmark Township, to the Board of Adjustment and Appeals to a first term expiring December 31, 2010.
2. Approval to ratify a three-year 2008-2010 agreement with the Teamsters Local 320 Correctional Officers/911 Unit as follows:
 1. Duration:
Three years, effective January 13, 2008 through January 8, 2011.

2. Wages:
- | | |
|----------------------------|------|
| Effective January 13, 2008 | 3.0% |
| Effective January 11, 2009 | 3.0% |
| Effective January 10, 2010 | 3.0% |

Replaced current step structure with range structure.

3. Health Insurance:
- | | | |
|------|--|-------------|
| 2008 | Open Access \$20 Office Visit Copay | |
| | Single | \$433/month |
| | Single + Child(ren) | \$433/month |
| | Single + Spouse | \$589/month |
| | Family | \$619/month |
| | Open Access \$25, \$30, Selected Choice \$25 Office Visit Copay and Three for Free | |
| | Single | \$480/month |
| | Single + Child(ren) | \$524/month |
| | Single + Spouse | \$708/month |
| | Family | \$829/month |

Flex Credits \$62.00/month

2009 Insurance Reopener

2010 Insurance Reopener

4. Clothing Allowance:
- | | |
|------|------------|
| 2008 | \$400/year |
| 2009 | \$400/year |
| 2010 | \$425/year |

5. Vacation:
Increased maximum vacation accrual to 210 hours

3. Adoption of **Resolution No. 2008-069** as follows:

Marine Branch Library Hours

WHEREAS, Chapter 13, Laws of Minnesota 2005, give the Washington County Board of Commissioners the authority to direct, operate and manage the Washington County Library System; and

WHEREAS, the Washington County Library desires to provide effective and cost efficient services in all branch libraries within the system; and

WHEREAS, public service hours on Friday at Marine branch library do not conform to those of other branches in the library system because Marine branch is open on Friday evenings until 8:30 p.m. while all other branches close at 6:00 p.m.; and,

WHEREAS, from June 2006 through May 2007, Friday was the least busy day at the Marine branch library; and,

WHEREAS, Marine branch library will continue to provide public service on Monday and Wednesday evenings until 8:30 p.m.

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NOW, THEREFORE, BE IT RESOLVED, that, effective May 30, 2008, the Marine branch library will open on Fridays at 2:00 p.m. and close at 6:00 p.m.

4. Approval of contract with Graphic Design to print and deliver ballots for the 2008 primary and general elections.
5. Adoption of **Resolution No. 2008-070** as follows:

Resolution Approving the Right-of-Entry of the
National Park Service to Five Tax Forfeited Parcels
Located Along St. Croix River in the Areas of
Scandia City and May Township

WHEREAS, the County Board of Commissioners of the County of Washington, State of Minnesota, desires to offer for sale or conveyance the following parcels of land that forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcels have been reviewed by the designees of the County Board of Commissioners and there is no interest for their acquisition by the Department of Transportation and Physical Development; and

WHEREAS, the National Park Service expressed interest in acquiring said parcels through special legislation to be enacted by the next Minnesota Legislature; and

WHEREAS, the National Park Service submitted a Property Inspection Certificate to the Board of Commissioners of Washington County for a temporary right-of-entry to said parcels.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby grants to the National Park Service a temporary right-of-entry to said parcels; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that James R. Schug, County Administrator, be authorized to sign the Property Inspection Certificate on behalf of Washington County.

List of the five tax-forfeited parcels:

- 18.032.19.11.0001 (Scandia)
- 18.032.19.14.0001 (Scandia)
- 29.031.19.22.0001 (May)
- 20.031.19.22.0001 (May)
- 17.031.19.32.0001 (May)

6. Approval of fourth amendment to agreement between Ramsey County and Washington County for tax payment processing.
7. Approval to authorize the County Board Chair and County Administrator to sign a Utility Relocation Agreement with Xcel Energy Services, Inc. for the relocation of utilities installed in a utility easement in the CSAH 15 right of way.

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8. Approval to use 1,500 daily vehicle park permits for Washington County Library's 2008 summer reading program.

The foregoing Consent Calendar was adopted unanimously; Commissioner Peterson absent

COMMUNITY SERVICES

Commissioner Pulkrabek moved to approve a letter of support for the transfer of nursing home beds from the Walker Methodist Home in Minneapolis to the new senior campus in Forest Lake. Commissioner Stafford seconded the motion and it was adopted 3-0; Commissioner Hegberg abstained; Commissioner Peterson absent.

PUBLIC WORKS

Determination on Need for an Environmental Assessment Worksheet for an 800 MHz Telecommunication Radio Tower in the City of Afton

The Board Chair presented a brief overview of today's hearing to determine the need for an Environmental Assessment Worksheet for the 800 MHz Radio Tower proposed by the Washington County Sheriff's Office in the City of Afton.

Captain Steve Pott presented a brief history of their efforts concerning the radio project in the City of Afton. The original plan for the county-wide plan contemplated a tall monopole on farm or vacant land. Their desire was to find sites that would provide the best service, and most effective coverage and connectivity for the system. They were aware that the Afton ordinance allowed a stealth design tower which is lower, but they felt it would be more appropriate for the performance of the system to look for a taller tower and a more traditional type tower. They talked with several landowners in the area they were interested in, and they were reluctant to cooperate due to some conversations and influences they had gotten from other residents of Afton. There was a property for sale, with lower ground than they had desired, but felt it was suitable for their needs. There were many construction challenges with that site. About that time he was advised by city staff that in order to move forward with a monopole of any type or size in Afton, they would need an ordinance change. They went before the Afton Planning Commission in December of last year, and they recommended against changing the ordinance to allow for a monopole. They went to the city council a couple weeks later, and the city council voted 3-2 to consider a change to the ordinance or a new ordinance, but they wanted to evaluate that along with an application for a site. Soon after that they received correspondence from the Sierra Club, the St. Croix Scenic Coalition and other groups that were opposed to a monopole of any type in the City of Afton. On December 27 they received a petition for an Environmental Assessment Worksheet (EAW). The petition identified the site as 15376 Afton Boulevard South. It was the piece of property they had been evaluating, but they had not made a purchase offer; however, the site was for sale and believes it is still for sale.

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Captain Pott stated that the EAW petition cited that “the height and design of the tower and its location in a rural residential conservancy district and on steep and scenic bluffs, the proposal has the potential for significant environmental effects”. Some of those things identified were the impacts on view sheds from CR 18 and also the impact of the view shed from the river. It also identified that there would be a need for an access road to access the tower. The petition also asserted that the Sheriff’s Office refused to consider any other sites on higher ground and any other tower design. Captain Pott noted that their desire for the taller tower and monopole design was simply to make this site perform the same as other sites in the system. He believes most of the sites in the metro area are well over 100 feet tall. The original tower that they contemplated was about a 190 foot monopole on ground elevation of 1,000 plus feet. Also included in the petition were five sites that were recommended as alternatives. All of the sites with the exception of the Mount Hope Cemetery site were up in the Afton Hills area. All 25 of the signatures on the petition were from Afton Hill area residents. The Mount Hope Cemetery site may be a viable site, but there were two issues that needed more research. The microwave connection which is critical to the system probably cannot be achieved with a stealth design tower because the elevation is about 975 feet. They looked at the viability of putting in fiber, but it was estimated at \$500,000 to bury fiber. They also considered using Quest or Comcast resources but did not feel they were reliable or viable options for this project. There was also a question as to whether the city owned that property and it would have taken months if not years to determine who owned that property. Two of the sites did not have adequate tree growth to allow a stealth tower to be built. Another property led him to believe it would be a costly and difficult site. The only thing that would be above ground was the pine tree or monopine, the equipment structure would have to be underground and other issues with that site. The Morgan property is the site where they made application for the stealth tower. This property is as effective a site as any of the stealth sites that were identified. It meets their needs from a coverage perspective, it allows connectivity to the Woodbury tower, and the County Board approved a purchase agreement with the Morgans at the Board meeting last week subject to state, federal and local approvals for the tower.

Captain Pott stated the Afton ordinance goes to great length to protect the interests of the residents and the city. It is specifically geared toward cellular towers. There has been conversation as to whether it applies to the county or not, but they have chosen to continue down the road that even though it is a public safety radio tower they are bound by the requirements of the ordinance. On April 14 they made an application to the current city ordinance. Washington County was identified as the Responsible Governmental Unit for this EAW position. The County Board responded to the petition soon after it was filed by saying that the Board would consider it again when an application was actually made. They feel this application is significantly different to what was contemplated when the EAW petition was signed and filed. The issues of tree cover and slope do not exist on the property they have applied for. The property has good access from one side of the tree line they are hoping to use to mimic and hide the tower. The slope is about 9 percent, which is significantly different from the 18 plus percent slopes they were concerned about. The petition talks about its proximity from the scenic highway and the river. This particular site is about a half a mile from the closest point of CR 21 and it’s even further from all of the other concerns identified in the petition. From hundreds or thousands of feet from the stealth

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tower it will be indistinguishable. It will not be invisible as you get closer to it. The application was made and compliant with the information that they had at the time with the existing ordinance, and it uses one of the several sites recommended by the petitioners. For that reason, he asked that the County Board deny the request for an EAW for their tower project in Afton.

Commissioner Pulkrabek asked who petitioned for an EAW, the city council? Captain Pott stated the petition is in the packet and Jon Erik Kingstad is the Representative of the 25 petitioners who are residents of Afton.

Commissioner Pulkrabek asked if the Board were to do an EAW, how long would it take, how much would it cost and who pays for it. Commissioner Hegberg stated that Ms. Pung-Terwedo would be the person to address that question, and she will be making a presentation shortly.

Commissioner Kriesel asked what is the extent of the base and the slab for the tower. Captain Pott stated the foundation is 38 sq. feet for the base. The generator would be sitting on a slab that would be about 80 sq. feet or less. The generator could be set on posts if the slab was an issue.

Commissioner Kriesel stated that the concerns raised in the petition have all been addressed by this new site and the stealth design. Captain Pott believes that many of them go away. The application they made is consistent with Afton's ordinance and believes their concerns have been addressed.

Commissioner Stafford stated he visited the site and spent quite a bit of time out there. He noticed that about 150 to 200 feet directly south of the proposed site the elevation increases quite a bit. Captain Pott stated that the highest point on this property is 982 and the issue with that site is the trees in that area are significantly shorter. The location they proposed takes advantage of the tallest trees. That elevation is 976.

Commissioner Hegberg asked if the 800 MHz is a state program? Captain Pott stated it is. Washington County will be the last of the metro counties to be on the system.

Commissioner Hegberg asked who provides the police protection services for the City of Afton? Captain Pott stated it is the Sheriff's Office by contract.

Ann Pung-Terwedo addressed Commissioner Pulkrabek's question. An EAW will cost \$3,000 to \$5,000 and it would take about three to four months to process. The cost would be paid by the Sheriff's Office with staff time to review and process the EAW.

Ms. Terwedo stated that in going back and looking at the data that was submitted in the petition for an EAW, the original tower was actually 199 feet tall and located at a different location than the one being discussed today. She displayed a map outlining the Afton Hills subdivision and the location of the site in the original petition and the location that has been selected for the proposed site. The site in the petition for an EAW was

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for a 190 foot tower, monopole style and impacted the views. The tower being considered in the application is at a higher location, thereby reducing the height of the tower down to 88 feet 6 inches and making it look like a pine tree to blend with the environment.

Ms. Pung-Terwedo reviewed the petition in relationship to what the proposal is today and presented her findings relative to Minnesota Rules. (See memo to Washington County Board of Commissioners dated May 7, 2008 – Response to Afton Tower EAW Petition). Based on Minnesota Rules, and what the application is at the present time, staff recommends that the county deny the petition and make a negative declaration on the need for an EAW. They feel all the environmental issues have been addressed based on what the Sheriff's Office has done in trying to make a tower fit and blend in with the City of Afton.

Commissioner Stafford asked about Item 4 on Page 6 which talks about lights, reflectors, flashers, etc. Because of the height of the tower, it is not subject to the FAA lighting regulations. Ms. Pung-Terwedo stated that is correct, there are no lights on the tower.

Commissioner Hegberg asked that once the tower is built and as the surrounding trees grow, will the trees have to be trimmed because of the tower? Captain Pott stated that if the trees did in fact grow into the path of the microwave that would be an issue. He believes the trees have reached their maximum height.

Ms. Pung-Terwedo mentioned that an EAW is not mandatory for the height of this tower and it does not fit under the mandatory category under Minnesota Rules.

Frank Sando, 15318 Afton Hills, Afton – Mr. Sando stated that the petitioners for the EAW all live in the area where the location of the tower was. He never new about the petition until Captain Pott showed it to him the other day. The petitioners wrote that petition to get that tower, not stealth but a regular tower, off their properties. Then they walked around to this other area and showed Captain Pott the four properties on this side. He believes the petition was signed to get it off their property. Now it is back in his area. Mr. Sando stated he was not worried about the trees growing; they are worried about the trees dying. Then there will be an 88 foot stealth tower standing without any tree coverage. He does not believe this tower will be hidden from across Afton Hill's Drive. He asked how is a tree with a 51 inch base, when other trees in the area are 13 inches in diameter, a stealth tower. He believes this thing will stand out. Eight homes are on Afton Hills Court, four or five of them will be looking at that when they walk out their front doors. They didn't find out about this until April 17 in the newspaper. Now the county doesn't want to do an EAW because it will cost \$5,000 and take three to four months. The people on one side of the hill gave up the people on the other side of the hill. Mr. Sando stated they are all on private wells on Afton Hills. What impact will this have on wells, what goes into a tower like this. The Afton Planning Commission turned this down 5-3. He thought it would be nice if the County Board heard the comments made by the five people who voted against approving this.

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Susan Sando, 15318 Afton Hills Court, Afton – Ms. Sando asked because they are on well, if there are any hazardous materials that would cause the aquifer to be ruined. Once the tower is up and it is made of plastic coated metal, does that plastic over time degrade and what would go into the soil with that. She stated there are no monopines in the State of Minnesota that they know of. In this climate, what happens to the material in making the towers and will that affect their soil. They live in a windy area on the hill and the wind through the branches, how will that affect birds or animals and will they be driven away. Also the noise from the generator, or the hum from the equipment in the garage; people may not hear it but how will it affect animals. She believes visually it does not look like a pine tree that is in their area. The visual impact on the neighborhood is horrendous.

Diane Dettmann, 15276 Afton Hills Court South, Afton – Ms. Dettmann stated she is here to ask the County Board to consider the need for an EAW on this site because this site is residential and it is a small lot. They are not a forested area. Her biggest concern is all of the unknowns that Frank and Susan have alluded to and mentioned. This area is not a forest. She asked what is the future of this site. Co-location is encouraged in Afton. Another tower could go up on the 1.6 acre lot with additional transmitters. In the EAW it asked for current and recent land use and compatibility. The current use of this land is residential. This tower is not compatible with the adjacent lands and that needs to be looked at. Water issues are addressed in the EAW. They would like more information on that. They want to know that their water resources are safe. Traffic was brought up on the EAW. Currently they live on a bad road in terms of its condition. It's one lane and narrow. She is also concerned about the safety issue with fuel being stored on site. Will there be a fence around this generator. This is a secluded area on this hill and there are no additional lights. Young people frequent this area and they like towers. She feels there are so many issues that need to be addressed more specifically. She feels that with the size of this project on this small residential lot an EAW should be considered and she asked for the County Board's cooperation on that.

Commissioner Hegberg asked about the generator—how large is it and what kind of noise does it make. Captain Pott stated that the ordinance specifically addresses the noise level and believes it is 65 decibels. All of the generators that he has been able to find and expects that would be bid as part of this project are quieter than that. There was concern about an explosion, fire or leaking fuel—at the other sites the generators hold enough fuel for twenty-four hours of operation. They also have a double containment system so if there is some type of a leak the actual base of the generator contains the entire amount of fuel that is stored in the generator. The size of generator used at other sites is 35,000 watts.

Commissioner Hegberg asked about the material the tower is made of—he assumes the artificial tree is no different than an automobile as far as plastic covered material. Captain Pott stated it is his understanding that the towers are primarily steel and fiberglass. He does not have any information about the noise.

Commissioner Kriesel stated there was a concern about traffic. How often would a vehicle be there. Captain Pott stated that during construction there will be traffic and noise similar to building a house. As far as

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ongoing traffic, once the system is up and operating it is basically a computer network that is connected by radio. A lot of it has remote diagnostics, and there are a significant amount of alarms that are available on the site including intrusion. There was a comment about kids climbing the tower. The towers are designed to minimize the opportunity for climbing without either ladders or bucket trucks. As far as ongoing maintenance—the radio system is a 15 voice channel. If they lose two, three or even a whole rack of those radios, they probably would not respond until the next day. If the entire site were to go down that would be a different story. So the middle of the night traffic would be insignificant. The service technician drives a passenger car and, not a big, noisy diesel.

Commissioner Pulkrabek asked if they get to pick the type of tree that will go in that area. Captain Pott stated that the Afton ordinance requires that it closely mimic trees in the area. As part of the application with the City of Afton, city staff would have to approve it before the bid was awarded. Examples shown at the Afton Planning Commission were older models and looked really bad. There are several different models of branches and needles available.

Commissioner Stafford stated that the generator has twenty-four hour fuel supply. Does that mean somebody has to come up there once a day and refill it? Captain Pott stated if it is running. The typical power outage would be a couple hours. It is a stand-by unit.

Commissioner Stafford stated that a question was raised about the life span of the surrounding trees. They are correct it is not forest. They all looked healthy, but he does not deny that some trees have a longer life than others. He asked is there a plan that could be implemented that would gradually replace trees, put some younger ones in now so the coverage will continue to be there. Captain Pott believes these are approximately 40 year old trees and he has no idea how long they last. There will be a challenge to put in any more trees. The city ordinance requires that the tower match trees that exist at the time the tower is built. The ordinance doesn't require the tower to come down if the trees come down.

Commissioner Stafford asked if Afton's ordinance define stealth as either a pine tree or a fire tower. Captain Pott stated the ordinance says "stealth design is a wireless communications facility that appropriately models or mimics in size, shape and color something in the immediately surrounding landscape which could legally be placed there at the time the application is submitted such as a silo in a farm setting or trees in forested land and is unrecognizable year round as an antenna or antennal monopole. It must be compatible with the historical, environmental and cultural character of the surrounding area".

Commissioner Pulkrabek asked how confident is he that this will pass when this goes to the Afton City Council, is approval contingent on county approval of an EAW? Captain Pott feels there is support for a tower that meets their ordinance. The Afton Planning Commission didn't actually recommend against the proposal, it voted against recommending approval of the application. Another issue that has come forward is there is discussion if there is a side-yard setback requirement. He is waiting for correspondence from the city

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about that. The conversation he's had is they think it is a good proposal and despite some of the concerns of the neighbors, they think it's a site that does a pretty good job of being inconspicuous.

Commissioner Kriesel stated the County Board should be focusing on what's at hand and the political consequence of that. Who knows what that elected body will choose to do. He asked staff if what they have heard from the public today would change their recommendation that an EAW is not necessary? Also, if this is delayed three or four months what does that do to the system? Captain Pott stated the schedule for the implementation of the radio system contemplated the system being on the air in July of 2008, with final acceptance in August, 2008. Due to the difficulties they have had trying to find this site—most of the other 13 sites that are part of the system are either completed or near completion in anticipation of that July date. The new schedule is closer to February of 2009. If there are any further delays it would need to be added to the 2009 date.

Commissioner Kriesel stated that the rest of the system could be brought on line, but Afton would be without this service? Captain Pott stated the plan is not to turn it on until the system is complete. It would be difficult to have two systems running.

Captain Pott responded to comments he heard from the public. Regarding the public notice Mr. Sando mentioned that he read about it in the paper. They did meet all the notice requirements that the city has spelled out in their ordinance. It's been in the paper numerous times and perhaps it's one of those issues that unless it directly affects you it's not of interest. It is not a project that has moved forward under the radar. They had an open house in Afton that wasn't required to make everybody aware of what they were trying to do. He has spent many hours at the podium at Afton City Hall during Planning Commission meetings, and Council meetings. Regarding the co-location issue, he stated that the city ordinance requires co-location before another tower can be built in the city. As far as any co-location that would occur it would be subject to city approval. It's not as if the county can get the tower and then invite anybody they want and create some sort of a non-compliant facility. The reality is that this tower is so short compared to other towers that he does not know if it would allow co-location.

Ms. Sando stated that Captain Pott has told them that there has been at least one other property that just recently said to look at that property. There is another property that came back to him and said they were willing to talk. These are not residential areas and she would think that would be a much better option than destroying a residential area. She thinks Afton should have probably been first on the list to find a site. All the other sites are towers, water towers or existing antennas. Afton was the only one with a very restrictive code, they should have been looked at first and then build around it.

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

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Commissioner Pulkrabek moved to close the public comment portion of this hearing to determine the need for an Environmental Assessment Worksheet for the 800 MHz Radio Tower proposed by the Washington County Sheriff's Office in the City of Afton. Commissioner Stafford seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

The Board discussed this matter.

Commissioner Stafford stated that the county's primary responsibility as a government is the health and safety of its citizens. This system will not work efficiently without a tower in Afton. It appears that nobody in Afton wants a tower. In visiting the site he feels it is the least offensive of any one he has been familiar with over the years. He cannot visualize this being a threatening structure.

Commissioner Kriesel moved to adopt **Resolution No. 2008-071** as follows:

Denial of the Petition for an Environmental Assessment Worksheet (EAW)
for the Washington County Sheriff's Office Proposed
800 MHz radio tower in the City of Afton.

WHEREAS, the Washington County Sheriff's Office desires to construct a 800 MHz radio tower in the City of Afton, Minnesota; and

WHEREAS, Minnesota Rule 4410.1100 requires the Responsible Governmental Unit to address a citizen petition for the need for an Environmental Assessment Worksheet when the Petition has been filed with and submitted by the Environment Quality Board to the designated Responsible Governmental Unit; and

WHEREAS, Washington County has been deemed the Responsible Governmental Unit by the Environmental Quality Board for the petition for an Environmental Assessment Worksheet; and

WHEREAS, the petition filed with the Environmental Quality Board requested that an Environmental Assessment Worksheet be prepared. The Petition's request was based on a different location and type of radio tower within the Afton city limits. The Responsible Governmental Unit reviewed the issues raised by the petition and those factors required to be considered under the Minnesota Rules as they apply to the location and tower in the application filed by the Washington County Sheriff's Office for the 800 MHz tower; and

WHEREAS, Minnesota Rule 4410.1100 requires the RGU to base its decision on whether there is evidence presented by the petitioners, proposer/Sheriff's Office, other persons or other additional information that demonstrates that because of the nature and location the 800 MHz tower, the tower may have the potential for significant environmental effects. The RGU is to take into account the factors listed in Minn. Rule 4410.1700 subp. 7 to wit:

- Type extent and reversibility of environmental effects;
- Cumulative potential effects of related or anticipated future projects;
- The extent to which the environmental effects are subject to mitigation by the ongoing public regulatory authority ;and

The extent to which the environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EIS's.

WHEREAS, The 88 foot 6 inch radio tower is a "stealth" pine tree design. The pine tree tower will be 13-15 feet taller than the surrounding trees. The tree design is consistent with and will blend in with the surrounding vegetation of the Afton community and the St. Croix River Valley. The tower's location is outside of the St. Croix River District and does not destroy or effect the scenic landscapes, vistas, historic resources or roads in the Afton area, (specifically the tower is not seen from CSAH 18 as stated in the petition.) The stealth design of a pine tree is required and regulated by the Afton City Zoning Ordinance. The pine tree design would have minimal environmental visual impacts, and does not have lighting mounted on the tower. The tower would not be conspicuously visible from the number of scenic vistas, roads or landscapes in the Afton area; and

WHEREAS, the tower's stealth design and the site's specific's location was suggested by the citizen petitioners as "a feasible and prudent alternative" to the original site due to the location's higher base elevation. The higher elevation provides for a shorter tower and a tree stealth design that would not be visible from the scenic vistas, roads or landscapes; and,

WHEREAS, There will be no environmental effects or impact to the soil, trees or water but for one grouping of birch trees that will need to be removed. The birch trees are on the tower's property. The tower site does not require that an access road be constructed to provide access to the site. The location of the tower on the site does not consist of protected slopes of 18% or greater. The tower is located on a 9% slope; and,

WHEREAS, The site was evaluated by the Washington Conservation District for potential adverse water quality and erosion impacts. No environmental effect impacts were indicated by the Washington Conservancy District. The evaluation considered the need for a temporary construction access around the tower property's septic drain field, the addition of a permanent concrete tower pad and generator pad. It is determined that there will be no long term water runoff from impervious surfaces. If proper/routine construction practices are followed any adverse offsite impact would be easily avoided. There are minimal or no potential significant environmental effects to the soil, trees, slopes or water caused by the construction of the tower on this site; and

WHEREAS, At the present time there are no known future tower projects in the City to Afton, therefore there are no potential effects of related or anticipated future tower projects in the Afton community; and

WHEREAS, In its capacity as the underlying regulatory zoning authority, the City of Afton, can mitigate and address the extent of any possible environmental effects during its conditional use permitting process. The Afton city planner has recommended to the City ten conditions that must be complied with before the city would issue a conditional use permit. Any subsequent issues that comes up during the permitting process would be appropriately dealt with by the City of Afton. Therefore the local authority has the ability to mitigate any possible environmental effects; and

WHEREAS, The extent that the environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer including an environmental impact statement, will be addressed by the FCC. The National Environmental Policy Act requires that as part of the FCC licensing review, an environmental assessment may be necessary. During this evaluation if the tower facility meets technical emission standards set by the FCC it is presumed safe; and

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WHEREAS, based on the criteria in Minnesota Rules 4410.1100 and 4410.1700 subp.7, the 800 MHz radio tower project does not have the potential for significant environmental effects; and

NOW, THEREFORE BE IT RESOLVED that based on the facts presented to the Washington County Board of Commissioners as the RGU, the citizens Petition for a request of an EAW for the 800 MHz radio tower in the City of Afton is denied and a negative declaration is made for the need for an EAW; and

NOW, THEREFORE BE IT RESOLVED that based on the facts presented to the Washington County Board of Commissioners, the Board hereby makes a negative declaration with respect to the need for an EAW for the construction of an 800 MHz radio tower in the City of Afton; and

NOW, THEREFORE BE IT RESOLVED that the citizen Petition request an EAW is denied.

Commissioner Stafford seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

Big Marine Park Reserve Grand Opening

John Elholm, Parks Director, provided an update on the Big Marine Park Reserve grand opening scheduled for June 7, 2008 beginning at 10:00 a.m. Also, the Historic Courthouse cannon dedication ceremony will be held on July 4, 2008 beginning at 10:00 a.m.

GENERAL ADMINISTRATION

Jim Schug, County Administrator, presented a brief legislative update on the following items: the budget bill may result in either additional county program aid or a freeze on the amount of county program aid that was received last year; there is a possibility of levy limits; the Comfort Lake-Forest Lake watershed district becoming a 103B, which is a metropolitan watershed district, is still in the bill without the county's provision for county board approval of the budget; and the County Board did take a position with respect to the elimination of county approval on additions to DNR wildlife management areas, and the county position prevailed that there should not be one wildlife management area in the state that was different from the rest in requiring county board approval.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Pulkrabek stated he was disappointed that the Counties Transit Improvement Board has allowed Scott and Carver Counties to be non-voting members and have a seat at the table. The argument he kept hearing is that you need to have a seat at the table. Washington County residents will be putting in \$5 million to get a seat at the table and now Carver and Scott County get to play for free. He does not feel that is right.

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Commissioner Kriesel agrees with Commissioner Pulkrabek's comments. He feels it is a disservice to the members of this Board that supported moving on to transit. He knows that he and Commissioner Pulkrabek are committed to make it successful, but they will be watching closing when they make decisions like that. He knows that both Commissioner Hegberg and Peterson spoke to that concern at their last meeting.

Commissioner Stafford introduced a new member of the press, Hank Long, from the Washington County Bulletin.

Commissioner Hegberg discussed the Counties Transit Improvement Board (CTIB) meeting that was held and Commissioner Peterson spoke to the issue of allowing Scott and Carver Counties a non-voting seat. The feeling of the board as a whole was that it will be a regional system and the Chair Peter McLaughlin from Hennepin County stated they wouldn't have any votes, and they wouldn't be able to speak unless they are recognized by the Chair. The by-laws haven't been completed, but there was discussion of allowing them to attend different committee meetings. Ramsey County felt that those committees were not necessary and that the full board should talk about the full project and he agrees with Ramsey County.

Commissioner Pulkrabek asked how appointments to the Grant Evaluation and Ranking System (GEARS) Committee are made. He has had questions from local government officials who are interested in serving on that committee. Mr. Schug stated the law is fairly general and says that the elected city representatives, which is one from each county and then additional appointees for counties over 400,000 population, but those elected city appointees to the GEARS Committee are appointed through a meeting process that is convened by the Association of Metropolitan Municipalities AMM. No process has been set up and it is his understanding that at the June 16 meeting of CTIB they will have this on the agenda for additional discussion. The AMM will send a letter out to all of the metropolitan jurisdictions acknowledging that they will be convening this meeting and starting the process and getting interest. It is not a county appointment or CTIB appointment, it is an appointment by the Association of Metropolitan Municipalities. If the county wanted to make a recommendation, he assumes that there will be a group where you can send a recommendation with an applicant, but right now the procedure for making those appointment hasn't been established.

Commissioner Stafford explained that the composition of the Grant Evaluation and Ranking System (GEARS) Committee also has a Commissioner from each county. He noted that he is the interim Commissioner appointed to the GEARS Committee and since Commissioners Peterson and Hegberg are already members on CTIB, it would be important that either Commissioner Kriesel or Commissioner Pulkrabek be appointed as an alternate to the GEARS Committee. He likes the concept of getting Washington County's voice heard and it is a critical committee for defining the transitways.

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Mr. Schug noted that an alternate needs to be appointed to the two Commissioners who are serving on the Counties Transit Improvement Board. As Commissioner Stafford mentioned, his is an interim role and it is likely that the GEARS Committee won't be getting to its work until later in the year. He would also suggest having a Commissioner alternate on that committee because there will be a lot of decisions and it would be important to have Washington County's situation and positions represented.

Commissioner Pulkrabek moved to appoint Commissioner Kriesel as an alternate to the Counties Transit Improvement Board. Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

Commissioner Kriesel moved to appoint Commissioner Pulkrabek as an alternate to the Grant Evaluation and Ranking System Committee. Commissioner Stafford seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

Commissioner Hegberg noted that the Law Enforcement Memorial will be held at noon on Thursday, May 15 at the Historic Courthouse.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Pulkrabek moved to adjourn, seconded by Commissioner Stafford and it was adopted unanimously; Commissioner Peterson absent. The Board meeting adjourned at 11:00 a.m.

BOARD WORKSHOP WITH PUBLIC HEALTH AND ENVIRONMENT

The Board met in workshop session with the Department of Public Health and Environment to review the Washington County Minnesota Student Survey Trends Report: 1992-2007. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Stafford, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Lowell Johnson, Sue Hedlund, Jean Streeter, Amanda Hollis, Catherine Mackiewicz, Stephanie Lenartz, and Maggi Aitkens.

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BOARD WORKSHOP WITH PUBLIC WORKS

The Board met in workshop session with the Department of Public Works to discuss the campus south wing remodeling project. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Stafford, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Don Theisen, Keith Potter, Kevin Corbid, Dan Papin, Doug Johnson, Kay McAloney; Vicki DeFord, Mjyke Nelson, Nancy Brase, Melinda Kirk, Deb McDonald, Joel Dunning, Wold Architects, and Maggi Aitkens.

Dennis C. Hegberg, Chair
County Board

Attest:

James R. Schug
County Administrator