

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**MARCH 7, 2006**

The Washington 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, and Stafford. Commissioner Hegberg absent. 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; Don Theisen, Director of Transportation and Physical Development; Wayne Sandberg, Deputy Director of Transportation and Physical Development; Jim Luger, Parks Director; Keith Potter, Facilities Manager; Kevin Corbid, Director of Assessment, Taxpayer Services and Elections; Patricia Conley, Library Director; Lowell Johnson, Director of Public Health and Environment; Tom Adkins, Community Services Director; Senator Brian LeClair; Patrick Singel, Deputy Community Services Director; and Dave Brierley, Public Information Coordinator.

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

1. Approval of the February 28, 2006 Board meeting minutes.
2. Approval to renew application for off sale liquor license for AJL Enterprises, Inc. for the period of April 1, 2006 through March 31, 2007.
3. Approval to renew application for on sale and Sunday liquor license for Stoneridge Golf Club, for the period of April 1, 2006 through March 31, 2007.
4. Adoption of **Resolution No. 2006-030** as follows:

Application to Conduct Excluded Bingo by the  
 Scandia Women's Softball Association

WHEREAS, the Scandia Women's Softball Association has made an application to Conduct Excluded Bingo according to requirements contained in MS. 349.166 sub. 2. The events will be held on April 7, 2006 and November 17, 2006 at the Scandia Community Center, 14727 209<sup>th</sup> St. N., Scandia, MN 55073.

March 7, 2006

NOW, THEREFORE, BE IT RESOLVED, the Washington County Board of Commissioners does not oppose issuance of exemption consistent with the application.

5. Approval to accept \$6,893.10 in donations to the Washington County Library by the following organizations: RAFT Foundation, \$5,000; Lake Elmo Rotary, \$1,588; and Friends of the Lake Elmo Library, \$100.
6. Adoption of **Resolution No. 2006-031** as follows:

Resolution of Support for Boundary  
Amendment of William O'Brien State Park

WHEREAS, it is proposed by the Minnesota Department of Natural Resources, Division of Parks and Recreation, to delete approximately 56 acres from the statutory boundary of William O'Brien State Park; and

WHEREAS, it is proposed by the Minnesota Department of Natural Resources, Division of Parks and Recreation, to add approximately 24 acres to the statutory boundary of William O'Brien State Park; and

WHEREAS, changes to a state park statutory boundary can be approved only by the state legislature; and

WHEREAS, changes to a state park's statutory boundary can only proceed with the support of the local units of government.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Washington County hereby approves and supports the statutory boundary changes for William O'Brien State Park recommended by the Minnesota Department of Natural Resources, Division of Parks and Recreation.

The foregoing Consent Calendar was adopted unanimously; Commissioner Hegberg absent.

## **TRANSPORTATION AND PHYSICAL DEVELOPMENT**

### **Motor Vehicle Sales Tax**

Commissioner Peterson moved to adopt **Resolution No. 2006-032** as follows:

Resolution to Support an Amendment to the Constitution of the State of Minnesota  
Dedicating all of the Motor Vehicle Sales Tax Revenue to Transportation.

WHEREAS, Minnesota's transportation infrastructure forms the backbone of the state's economy and has a direct impact on future economic development; and

WHEREAS, too many Minnesotans are being killed in traffic crashes on dangerous roadways; and

March 6, 2006

WHEREAS, funding for highway and transit systems in Minnesota has remained stagnant and is failing to keep pace with growing population and growing demands; and

WHEREAS, local governments throughout the state are struggling to maintain local transportation systems while the state's gas tax has not been increased since 1988 and transit budgets have been cut in recent years; and

WHEREAS, the Minnesota Legislature has repeatedly turned to revenue from the motor vehicle sales tax, which has been viewed as user fee revenue, in order to fund both highway and transit systems including the current dedication of 54% of motor vehicle sales tax for transportation purposes; and

WHEREAS, the legislature passed a proposed constitutional amendment during the 2005 Legislative Session that will appear on the ballot November 7, 2006 asking voters if the remaining 46% of motor vehicle sales tax revenue currently used for other purposes should be used for highways and transit systems; and

WHEREAS, passage of this amendment would mean an increase in stable revenue for highway and transit systems throughout the state that would rise to approximately \$300 million per year once the transfer of revenue is fully phased-in by 2011.

NOW, THEREFORE, BE IT RESOLVED that Washington County strongly supports passage of the proposed amendment to the Minnesota Constitution dedicating all of the motor vehicle sales tax revenue to transportation with at least 40% of the revenue for public transit assistance and not more than 60% of the revenue for highway purposes.

Commissioner Kriesel seconded the motion and it was adopted unanimously; Commissioner Hegberg absent.

#### **Transfer Jurisdiction – CSAH 22 and 38 to Cities of Newport and St. Paul Park**

Commissioner Peterson moved to adopt **Resolution No. 2006-033** as follows:

##### Resolution Relinquishing a Portion of Washington County State Aid Highway 22 in the City of St. Paul Park

WHEREAS, the reconstruction of Trunk Highway 61 has necessitated jurisdictional changes on the local and minor arterial street systems in the area; and

WHEREAS, the City of St. Paul Park and Washington County have entered into jurisdictional transfer agreements; and

WHEREAS, construction operations are essentially complete and the roads to be transferred are open to the traveling public; and

WHEREAS, the City of St. Paul Park has expressed a desire to expedite the transfer of roads within the City

March 7, 2006

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby removes the “County State Aid Highway 22” designation from those sections described as follows:

WASHINGTON COUNTY STATE AID HIGHWAY 22 IN ST. PAUL PARK- on 3<sup>rd</sup> Avenue, beginning at the intersection with CSAH 38 thence easterly to the intersection with 3<sup>rd</sup> Street, thence southerly on 3<sup>rd</sup> Street to the intersection with Broadway Avenue, thence easterly on Broadway Avenue to the intersection with Summit Avenue, a distance of 1.13 miles.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for her consideration and approval.

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

Commissioner Peterson moved to adopt **Resolution No. 2006-034** as follows:

Resolution Relinquishing the County State Aid Highway Designation  
on a Portion of CSAH 38 in the City of Newport and St. Paul Park

WHEREAS, the reconstruction of Trunk Highway 61 and the Wakota Bridge has necessitated jurisdictional changes on the local and minor arterial street systems in the area; and

WHEREAS, the City of Newport and St. Paul Park have entered into jurisdictional transfer agreements with the County; and

WHEREAS, construction operations are essentially complete and the roads to be transferred are open to the traveling public; and

WHEREAS, the 17<sup>th</sup> Street connection, temporarily designated as part of CSAH 38 by County Board Resolution No. 2003-161, on September 23, 2003 is no longer necessary; and

WHEREAS, the Cities of Newport and St. Paul Park have expressed the desire to expedite the transfer of CSAH 38 along Fourth Avenue to their control.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby removes the “County State Aid Highway 38” designation from those sections described below:

WASHINGTON COUNTY STATE AID HIGHWAY 38 IN NEWPORT-beginning at the intersection of the public roads known as 21<sup>st</sup> Street and 4<sup>th</sup> Avenue, thence southerly along 4<sup>th</sup> Avenue to the south Newport city limits, a distance of 1.72 miles.

WASHINGTON COUNTY STATE AID HIGHWAY 38 IN ST. PAUL PARK- aligned with 4<sup>th</sup> Avenue, beginning at the St. Paul Park / Newport city limits thence southerly on CSAH 38 to 3<sup>rd</sup> Avenue, thence westerly on 3<sup>rd</sup> Avenue to the center of the J.A.R. bridge, and thence terminating, a distance of 0.31 mile.

March 7, 2006

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Washington County Board Resolution No. 2003-161, having never been approved by the State Commissioner of Transportation, is hereby rescinded.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for her consideration and approval.

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

Commissioner Peterson moved to adopt **Resolution No. 2006-035** as follows:

#### Resolution Establishing County State Aid Highway 38

WHEREAS, it appears to the Washington County Board of Commissioners that the road hereinafter described should be designated as a County State Aid Highway under the provisions of Minnesota law.

NOW, THEREFORE, BE IT RESOLVED, by the Washington County Board of Commissioners that the road described as follows, to wit:

EXTENSION OF WASHINGTON COUNTY STATE AID HIGHWAY 38-beginning at the intersection of 21<sup>st</sup> Street and with that public road currently known as 7<sup>th</sup> Avenue, thence generally southeasterly to Glen Road, thence around Glen Road and easterly over the Glen Road interchange to the three-legged intersection of Glen Road to the east and thence westerly along that segment of Glen Road extending to Hastings Avenue, thence generally southeasterly on Hastings Avenue to the intersection with Washington County State Aid Highway 22, a distance of 2.72 miles.

BE IT FURTHER RESOLVED, that the County Administrator is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for her consideration, and that upon her approval of the designation of said road or portion thereof, that same be constructed, improved, and maintained as a County State Aid Highway of Washington County to be numbered and known as County State Aid Highway 38.

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

### GENERAL ADMINISTRATION

#### Planning Advisory Commission Appointment

Commissioner Pulkrabek moved to appoint Kathy Sedro, Lake Elmo, to the Washington County Planning Advisory Commission to a first term expiring December 31, 2008. Commissioner Kriesel seconded the motion and it was adopted unanimously; Commissioner Hegberg absent.

**Legislative Update**

Commissioner Stafford moved to adopt **Resolution No. 2006-036** as follows:

Resolution in Support of Eminent Domain Authority

WHEREAS, the *Kelo vs. New London, Connecticut* U.S. Supreme Court decision has been used to fuel anti-eminent domain efforts nationally and in Minnesota; and

WHEREAS, the *Kelo* ruling had no effect on Minnesota eminent domain statutes and did not in any way expand eminent domain authority in Minnesota; and

WHEREAS, the state of Minnesota has granted local decision making authority to local governments; and

WHEREAS, Minnesota counties have used eminent domain sparingly and judiciously; and

WHEREAS, Minnesota counties have used eminent domain predominantly for acquiring right of way for critical roads and highways; and

WHEREAS, roads and highways are critical to the livability and long-term economic viability of the state; and

WHEREAS, many eminent domain actions are non-controversial and initiated in order to cure title problems or to provide the seller with favorable tax treatment under state and federal law; and

WHEREAS, the Johnson-Bakk eminent domain bill severely increases taxpayer costs and substantially lengthens the time to acquire property necessary for critical projects.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners strongly opposes the Johnson-Bakk eminent domain bill as unduly restrictive.

BE IT FURTHER RESOLVED that eminent domain must continue to be a cost effective and timely option of last resort for acquisition of properties for critical public projects.

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

**COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Peterson asked that the Food Shelf volunteers in Washington County be recognized next month for their services to county residents.

March 7, 2006

Commissioner Peterson reminded the Board members to attend the transportation rally on Monday, March 13 at the State Capitol at 10:00 a.m.

Commissioner Pulkrabek urged citizens to attend their precinct caucuses tonight. He also thanked Senator Brian LeClair for attending today's Board meeting.

### **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; Commissioner Hegberg absent. The Board meeting adjourned at 9:30 a.m.

### **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 assistive voting equipment. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Kriesel, Pulkrabek, and Stafford. Also present were Jim Schug, Molly O'Rourke, Kevin Corbid, Carol Peterson, Steve Gransee, Judy Wertheimer, Yvonne Klinnert, Stillwater Courier, and Kevin Giles, Star Tribune.

Bill Pulkrabek, Chair  
County Board

Attest:

James R. Schug  
County Administrator

