

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
MARCH 23, 2010**

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 Kriesel, Pulkrabek, Peterson, and Weik. 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; Dan Papin, Community Services Director; Robert Crawford, Workforce Center Division Manager; Mary Farmer-Kubler, Economic Support Supervisor; Karin Reinert, Sr. Planner; Robbie Robinson, Veterans Service Officer; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Patricia Conley, Library Director; Lowell Johnson, Director of Public Health and Environment; Deb Paige, Emergency Services Manager; Mjyke Nelson, Information Technology Director; Don Theisen, Public Works Director; Greg Wood, Facilities Manager; Kay McAloney, Human Resources Director; Tom Adkins, Community Corrections Director; Sandy Hahn, Deputy Community Corrections Director; Kathy Trombly-Ferrin, Accounting Supervisor; and Yvonne Klinnert, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

The Board Chair welcomed everyone to the first Board meeting in the new Board Room.

COMMENTS FROM THE PUBLIC

Ken Heuer, 4713 Helmo Avenue North, Oakdale, addressed the acquisition of land in Woodbury for a park. He believes that the property as appraised is overvalued. He would like to see the county's portion of Land and Water Legacy funds reduced to around \$850,000 to \$900,000 instead of \$1.375 million. He feels that the county should be frugal with the Land and Water Legacy funds and not overpay and give away a lot of the funds.

CONSENT CALENDAR

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

1. Approval of revisions to the following fiscal policies: #2108, Capital Assets; #2201, Budget Policy; #2502, Receipt of Funds; #2506, Petty Cash and Change Funds; #2507, Journal Entries; #2602, Account Write-offs and Adjustments; #2701, Deposit of County Funds; and #2802, Opening and Closing Funds.
2. Adoption of **Resolution No. 2010-033** as follows:

March 23, 2010

Resolution Affirming the Hearing Officer's Decision of the
Assessment of the 2006, 2007 and 2008 Washington County
Environmental Charges in the Matter of David Beaudet

WHEREAS, on March 16, 2010, this matter was brought before the Washington County Board of Commissioners by Mr. David Beaudet on appeal of his Washington County Environmental Charges for the years 2006, 2007 and 2008; and

WHEREAS, under the authority granted by Minnesota Statutes Sections 400.08 and 473.811, subd. 3a, Washington County has adopted by ordinance the Washington County Environmental Charge (hereinafter CEC) for the purpose of conducting solid waste management programs and activities in the county; and

WHEREAS, the solid waste programs and activities funded by the CEC further the State's stated purpose of protecting the environment; and

WHEREAS, Mr. Beaudet's total charge for the years 2006, 2007 and 2008 is \$119.56; and

WHEREAS, Washington County Ordinance #167, Section 14, subpart 14.10.3 allows any person assessed the CEC to bring an administrative appeal of the amount charged; and

WHEREAS, the administrative appeal of the CEC assessment is to be brought pursuant to the Washington County Administrative Ordinance #149; and

WHEREAS, pursuant to the Washington County Administrative Ordinance, on December 15, 2009, Mr. Beaudet's appeal was heard at the department level with Lowell Johnson, Director of the Washington County Department of Public Health and Environment presiding as the Hearing Officer; and

WHEREAS, the CEC assessments challenged by Mr. Beaudet are those authorized by Minnesota Statutes Section 400.03 and 473.811 subdivision 3a and imposed by Washington County through several iterations of the Washington County Solid Waste Management Ordinance; and

WHEREAS, the CEC is predicated on the value of the solid waste services provided to persons and not necessarily on the amount paid for these services; and

WHEREAS, after hearing the evidence and arguments of all parties involved, the Hearing Officer denied Mr. Beaudet's appeal of the county's assessments of the CEC for the years 2006, 2007 and 2008 and ordered the amount of the assessments which totaled \$119.56 to be included in Mr. Beaudet's 2010 real property taxes; and

WHEREAS, the Hearing Officer made Findings of Fact and Conclusions of Law in support of his Order; and

WHEREAS, pursuant to the Washington County Administrative Ordinance #149 Section 10.3 Mr. Beaudet appealed the Department's decision to the Washington County Board; and

March 23, 2010

WHEREAS, pursuant to Section 10.3 (4) of the Administrative Ordinance, this appeal to the County Board was held on the record compiled at the December 15, 2009 hearing; and

WHEREAS, the parties at this hearing before the County Board were precluded from introducing any new evidence and were limited to arguing the merits of the record established at the December 15, 2009 hearing; and

WHEREAS, despite the fact Section 10.3 (4) of the Administrative Ordinance bars the parties from presenting any new evidence at the hearing, Section 10.3 (4) does have a discretionary component which allows the County Board to accept new evidence if it so chooses; and

WHEREAS, Mr. Beaudet made no objection to the fact no new evidence would be accepted at the hearing nor did he make any offer of new evidence; and

WHEREAS, the Washington County Board of Commissioners is otherwise advised in the premises.

NOW, THEREFORE, BE IT RESOLVED that the December 15, 2009 decision of the Hearing Officer regarding David Beaudet's 2006, 2007 and 2008 Washington County Environmental Charges is affirmed.

BE IT FURTHER RESOLVED that the Washington County Board of Commissioners hereby fully adopts from the December 15, 2009 the Hearing Officer's Findings of Fact and Conclusions of law and affirms his Order.

3. Approval to revise Washington County Personnel Rules and Regulations Section 9 – Promotion, Transfer and Demotion.
4. Approval to set the date and time for County Board of Appeal and Equalization meetings for Tuesday, June 15, 2010 at 5:00 p.m. and Tuesday, June 22, 2010 (time may be set to coincide with County Board meeting).
5. Approval to renew two year agreement with May Township to provide operation and maintenance services to the 201 Collector Systems.
6. Adoption of **Resolution No. 2010-034** as follows:

Trunk Highway 96 Detour Agreement with
Minnesota Department of Transportation

IT IS RESOLVED that Washington County enter into Mn/DOT Agreement No. 95981 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highways No. 9 (Jamaca Avenue North), No. 2 (75th Street North) and No. 15 (Manning Avenue) as a detour route during the bituminous mill and overlay, turn lane, and drainage repair construction

and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 96 from Trunk Highway No. 61 to Trunk Highway No. 95 under State Project No. 9225-10 (T.H. 96=096).

IT IS FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

7. Adoption of **Resolution No. 2010-035** as follows:

Trunk Highway 5 Detour Agreement with
Minnesota Department of Transportation

IT IS RESOLVED that Washington County enter into Mn/DOT Agreement No. 96267 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the county for the use of County State Aid Highways No. 13 (Ideal Avenue North) and No. 6 (Stillwater Boulevard) as a detour route during the grading, bituminous and concrete surfacing, lighting, signing and roundabout construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 5 from 1,100 feet west to 800 feet east of the intersection with Jamaca Avenue/Stillwater Boulevard under State Project No. 8214-145 (T.H. 5=045).

IT IS FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to execute the Agreement and any amendments to the Agreement.

8. Approval of Change Order #4 to contract with Urban Companies in the amount of \$3,130 as part of the 2025 Government Center improvements project.
9. Approval of Change Order #14 to contract with Century Construction Company, Inc. in the amount of \$7,095 as part of the 2025 Government Center improvements project.
10. Approval of Change Order #11 to contract with Glewwe Doors, Inc. in the amount of \$1,519 as part of the 2025 Government Center improvements project.
11. Approval of Change Order #9 to contract with Wasche Commercial Finishes, Inc. in the amount of \$11,665 as part of the 2025 Government Center improvements project.
12. Approval of Change Order #2 to contract with Northland Paving, Inc. in the amount of \$1,281.92 as part of the 2025 Government Center improvements project.
13. Approval to eliminate adult daily book-in report fees from the Policy #1032 Fee Schedule – County Department fees.

March 23, 2010

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

COMMUNITY SERVICES

Enhancement Grants through the Minnesota Department of Veterans Affairs

Robbie Robinson, Veterans Service Officer, reviewed the Enhancement Grant in the amount of \$10,000 from the Minnesota Department of Veterans Affairs: \$5,000 for outreach, marketing, and integration; and \$5,000 for psychological evaluations.

Commissioner Peterson moved to adopt **Resolution No. 2010-036** as follows:

Enhancement Grant through the Minnesota Department of Veterans Affairs

BE IT RESOLVED, by the Washington County Board of Commissioners that the county enter into a grant agreement with the Minnesota Department of Veterans Affairs to conduct the following project: FY10 CVSO Veterans Service Enhancement Program. This grant must be used to enhance the operations of the County Veterans Service Officer under Minn. Stat. 197.608 Subd. 4(a) and should not be used to supplant or replace other funding; and

BE IT FURTHER RESOLVED by Washington County Board of Commissioners that the County Veterans Service Officer, Lyman Robinson be authorized to execute the Grant agreement for the above mentioned project on behalf of the county.

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

2010-2014 Consolidated Plan and Draft 2010 Annual Action Plan

Karin Reinert, Senior Planner, reviewed the Draft 2010-2014 Consolidated Plan and Draft 2010 Annual Action Plan for the Community Development Block Grant Program and HOME Investment Partnership programs for public comment and the 2010 Community Development Block Grant/HOME funding recommendations. Projects recommended for 2010 are: Washington County Housing and Redevelopment Authority (HRA) Oakhill Cottages, \$212,518.00; Twin Cities Habitat for Humanity Garden Gate II, \$200,000.00; Washington County HRA Brick Pond Apartments, \$25,686.16; and Harriet Tubman Center East, \$188,517.00. The remaining funds will be allocated for Administration of the programs, Washington County Eligibility Specialist and Washington County Crisis Assistance.

PUBLIC HEALTH AND ENVIRONMENT**Declaring a State Emergency – Flooding**

Commissioner Peterson moved to adopt **Resolution No. 2010-037** as follows:

Resolution Declaring a State of Emergency

WHEREAS, a Spring 2010 flood event has impacted various populations in Washington County; and

WHEREAS, hydrologic conditions indicating a strong potential for moderate to severe spring flooding in the St. Croix and Lower Mississippi River basins; and

WHEREAS, the National Weather Service reports that points along the St. Croix and Lower Mississippi rivers are experiencing intermittent ice jams and minor to moderate flooding with the potential to reach floodstage within days; and

WHEREAS, such conditions contributing to the threat of flooding and inundation include excessive precipitation, rapid spring snowmelt, and ice jams; and

WHEREAS, the closure of secondary roads, sandbagging operations, and other emergency measures are required in response to flooding conditions; and

WHEREAS, Washington County and its local jurisdiction's emergency operations plans are activated, cities have declared local emergencies, and local jurisdictions have begun requesting county, state and federal assistance and resources; and

WHEREAS, the resources of local, county, and state governments must be fully utilized to ensure immediate response to protect the life, safety, and property of persons in affected areas, including all cities and townships in Washington County; and

WHEREAS, the Washington County Emergency Management Program through the Department of Public Health and Environment requests the Washington County Board of Commissioners to declare Washington County in a STATE OF EMERGENCY pursuant to Minnesota Statutes 2009, Section 12.31 for the Flood Event of March 2010; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners declares Washington County in a State of Emergency for conditions resulting from the Flood Event of March 2010.

This State of Emergency can be extended and shall remain in effect until the emergency status no longer requires emergency response and recovery efforts.

Adopted by the Washington County Board of Commissioners this 23rd day of March, 2010.

March 23, 2010

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

Policy – Emergency Operations Accounting

Commissioner Peterson moved to approve a policy establishing standard accounting procedures for county emergency operation activity. Commissioner Weik seconded the motion and it was adopted unanimously; Commissioner Hegberg absent.

Commissioner Peterson moved to adopt **Resolution No. 2010-038** as follows:

Approval to Open an Emergency Operations Accounting Fund
and to Update Fiscal Policy #2803 Fund Definitions
to Reflect the Addition of the New Fund

WHEREAS, the Washington County Board established the Accounting and Finance Policy named Emergency Operations Accounting to standardize the documentation and procedures for accounting for emergency operations activity; and

WHEREAS, Washington County desires to track the cost of responding to emergency activity independent of on-going operational activity in the county's budget; and

WHEREAS, funds received from reimbursement, grants, gifts, donations, or other means arising from the activities should be reported discrete from county operation; and

WHEREAS, the county, in order to implement these plans, must create separate funds to account for the financial activities; and

WHEREAS, the money deposited in these funds will earn interest on any balance that is being held for future disbursements; and

WHEREAS, the existing fiscal policies of Washington County must be updated to reflect the opening of new funds and to define their use; and

WHEREAS, the Accounting and Finance Department is responsible for the implementation and management of new funds under these policies.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners authorizes the Accounting and Finance Department to open the new Governmental-Special Revenue Fund per fiscal policy #2802 Opening and Closing of Funds:

Fund 140 – EOA- Emergency Operations Accounting Fund

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners authorizes the Accounting and Finance Department to update Fiscal Policy #2803 Fund Definitions to reflect the addition of these new funds.

March 23, 2010

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

Purchase of the Dale Property, Woodbury

Jane Harper, Principal Planner, reviewed the proposed county contribution of \$1,340,000 of the Land and Water Legacy funds to the City of Woodbury for the purchase of the Dale Property. The funds would be used to purchase 41 acres of land for a public park near the intersection of Manning Avenue and I-94. Conditions agreed to by the County Board are:

- County's Contribution: \$1,340,000 (37.5% of the project cost of \$2 per square foot), the timing of which will be determined with the city;
- Project Scope: 65.6 acres total, 41 acres purchased, 24.6 acres acquired through parkland dedication;
- Property Interest Purchased: The county will hold conservation easement over the entire 65.6 acres;
- Management Plan: As part of the conservation easement, the county must approve a management plan for the recreational use and natural resource management of the site;
- Public Use – the city will provide public access to the area via natural hiking trails in the short term. The long-term plan will provide for some handicapped accessible access;
- Water Management – the water quality and quantity on the property and on Falstrom Pond in Afton will not be adversely impacted. Low-impact development practices that encourage infiltration will be employed.

Commissioner Pulkrabek moved to approve the county's contribution of \$1,340,000 of the Land and Water Legacy funds to the City of Woodbury to purchase the Dale property and direct staff to prepare an agreement with the City of Woodbury incorporating the conditions as listed above. Commissioner Weik seconded the motion and it was adopted unanimously; Commissioner Hegberg absent.

Commissioner Pulkrabek addressed the concerns raised by Mr. Heuer earlier. The Board did have discussion about the two appraisals. The City of Woodbury originally asked for half of the funding which was closer to 50 percent. The county ended up negotiating it to 37.5 percent which is the \$1,340,000 amount.

Legislative Update

Jim Schug, County Administrator, presented a brief legislative update. The House and Senate released their budget proposals and the impact it would have on the county program aide or market value homestead credit is considerably less than the Governor's proposal. Under the House and Senate proposals the cuts will be made from the market value homestead credit at \$1.7 million as opposed to

March 23, 2010

the Governor's \$4.1 million. Departments have been working on proposals to reduce the 2010 budget by the amount needed to balance it by the end of the year. Those proposals are due in a few days. Mr. Schug noted that information for the next biennium are not as solid so the county is focusing on the 2010 budget and using that as a base for the 2011 budget.

Mr. Schug reported that there has been a lot of activity on the possibility of the county getting back a share of the fines for overweight vehicles. He believes there is a better understanding at the legislature of the county's role in enforcing those laws and the costs that it creates for the Sheriff's office.

Commissioner Peterson asked that staff review the Federal Health plan and advise the Board of what if any impact it would have on the county. She asked for a workshop fairly soon on this matter.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Weik reported she attended the Counties Transit Improvement Board meeting. They discussed amendments to their transit investment framework. They were able to work out their differences with Met Council to go forward on their letters of no prejudice. She attended the AMC Board of Director's meeting. They are moving forward with an executive search committee to replace Jim Mulder. The AMC Board stressed that Jim Mulder's retirement will not affect moving forward with the redesign.

Commissioner Weik announced that the Library Board meeting has been rescheduled for next Monday, March 29.

Commissioner Weik will attend the Metropolitan Mosquito Control Executive Commission meeting as a guest. They will be reviewing Jim Stark's performance review input. She will be attending the AMC Legislative Conference. She will also attend the Solid Waste Management Coordinating Board meeting as part of the two-day AMC Conference.

Commissioner Peterson attended her first meeting of the Housing and Redevelopment Authority (HRA) Board meeting as Commissioner Hegberg has a conflict of interest. She will be attending those HRA meetings until that project has been thoroughly vetted and a decision has been made.

Commissioner Peterson reported that the Counties Transit Improvement Board is going right along and she is comfortable with the action the Board has taken. They met with the congressional staff. She believes the Counties Transit Improvement Board will go forward and work not only at the federal level in Washington, but have a stronger communication with the local federal delegation.

March 23, 2010

Commissioner Peterson thanked Commissioner Pulkrabek for the opportunity to meet with a gentleman from France. He is working on their high speed rail and is one of the people that organizes it and makes sure it operates on time. She presented him with a current copy of the State Rail Plan and a Red Rock Commuter Rail hat.

Commissioner Kriesel reported he attended the Workforce Investment Board meeting. He and Chief Deputy Sheriff Mike Johnson met with Chisago County Commissioner George McMahon to discuss the Yellow Ribbon Network and becoming a Yellow Ribbon County. He attended the AMC Executive Session with Commissioners Peterson and Weik. He is still concerned about the redesign proposal. He feels it is not about the ideals, most counties embrace looking at new ideas and cost efficiencies. There was a lot of anger about the process.

Commissioner Kriesel reported that the Stillwater Bridge will be closed at 10:00 a.m. There will be a meeting on March 29 with a group of activists and locally elected people to discuss the status of the Stillwater Bridge. Minnesota Department of Transportation Commissioner Sorel will be there to answer questions.

Commissioner Pulkrabek thanked Commissioner Kriesel for covering the Workforce Investment Board meeting for him. He also thanked Commissioner Peterson for meeting with the gentleman from France. Commissioner Pulkrabek is involved with a group called the German-Marshall fund. In 2002 he went to Europe for a month. Every year they send five to six Europeans to America to meet with people of different interests.

BOARD CORRESPONENCE

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 Kriesel and it was adopted unanimously; Commissioner Hegberg absent. The Board meeting adjourned at 10:02 a.m.

BOARD WORKSHOP WITH THE SHERIFF'S OFFICE

The Board met in workshop session with the Sheriff's Office for an update on 800 MHz public safety radio funding. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Weik, Peterson, Pulkrabek, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Harley Will, Kathy Trombly-Ferrin, Ann Hudson, Sheriff Bill Hutton; Chief

March 23, 2010

Deputy Sheriff Mike Johnson; Commander Dan Starry; Lowell Johnson, Mjyke Nelson, Bruce Messelt, Lake Elmo Administrator; and Jim Stanton, Chairman, Lower St. Croix Valley Fire Protection District.

BOARD WORKSHOP WITH PUBLIC HEALTH AND ENVIRONMENT

The Board met in workshop session with the Department of Public Health and Environment to discuss the delegation agreements with Minnesota Department of Health. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Weik, Peterson, Pulkrabek, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Lowell Johnson, Sue Hedlund, Amanda Strommer, Jeff Travis, and Chris LeClair.

Bill Pulkrabek, Chair
County Board

Attest:

James R. Schug
County Administrator

