

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
JULY 6, 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 Hegberg, Kriesel, Pulkrabek, Peterson, and Weik. Absent none. Board Chair Pulkrabek presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Barbara Dacy, Housing and Redevelopment Authority Executive Director; Lowell Johnson, Director of Public Health and Environment; Amanda Strommer, Program Manager; Sheriff Bill Hutton; Kevin Corbid, Director of Property Records and Taxpayer Services; Carol Peterson, Supervisor; Don Theisen, Public Works Director; John Elholm, Parks Director; Dan Papin, Community Services Director; Linda Bixby, Supervisor; Harley Will, Accounting and Finance Director; Tom Adkins, Community Corrections Director; Patricia Conley, Library Director; Ron Johnson, Internal Auditor; and Yvonne Klinnert, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

Leslie Davis, candidate for Minnesota Governor, addressed the County Board and presented "The Davis Money Plan", which he described as a mind-altering paradigm shift in the way money is thought about. He stated that with appropriate statute changes his three step process will balance the state budget and rescue everyone in the state financially. A copy of his plan was presented and is on file.

CONSENT CALENDAR

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

1. Approval of the June 15 and 22, 2010 County Board meeting minutes and the 2010 Board of Appeal and Equalization meeting minutes.
2. Adoption of **Resolution No. 2010-096** as follows:

Juvenile Accountability Block Grant Agreement with
the State of Minnesota

WHEREAS, Washington County Community Corrections has entered into the Juvenile Accountability Block Grant (JABG) agreement with the United States Office of Justice since 2000; and

WHEREAS, Washington County Community Corrections has utilized these funds to help fund the PLACE North probation officer position; and

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WHEREAS, Washington County Community Corrections has been awarded another JABG Grant for the state fiscal year July 1, 2010 to June 30, 2011.

NOW THEREFORE BE IT RESOLVED, that the County Administrator and County Board Chair are authorized to execute such agreements and amendments, as are necessary to implement the JABG Grant from July 1, 2010, until June 30, 2011, and accept the amount of \$14,912.

3. Approval to amend contract #4281 with State Operated Services for one contracted registered nurse and extend the term of the contract through June 30, 2013.
4. Approval to reestablish the date for a public hearing to consider setting fees under M.S. 373.41 for services provided by the county Examiner of Titles from July 13, to July 20, 2010.
5. Approval and execution by the Board Chair and County Administrator of Recycling Grant Agreement with the Cities of Cottage Grove and Forest Lake for distribution of curbside recycling funds.
6. Bids were received for overlays on County State Aid Highways 13, 20, and County Road 71 as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Hardrives	\$2,383,927.72
North Valley	\$2,514,773.31
CS McCrossan	\$2,570,326.45

Adoption of **Resolution No. 2010-097** as follows:

Bid Award for Bituminous Reclamation, Bituminous Paving,
Cold Inplace Recycle, Bituminous Overlay on County State Aid Highways
13 and 20 and County Road 74 to Hardrives, Inc.

WHEREAS, in order to complete bituminous reclamation, bituminous paving, cold inplace recycle, and bituminous overlay on County State Aid Highways 13 and 20 and County Road 74, the county solicited bids for the projects; and

WHEREAS, bids were opened on June 22, 2010, with Hardrives, Inc. being the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the bid of Hardrives, Inc. be accepted and the county enter into a contract with Hardrives, Inc. under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the county and Hardrives, Inc. be executed through the signatures of the Chair of the Washington County Board of Commissioners and the Washington County

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Administrator without further action of the County Board conditioned upon compliance with all bid specification requirements and approval as to form by the Washington County Attorney's office.

7. Adoption of **Resolution No. 2010-098** as follows:

Resolution for Agreement to State Transportation Fund Local
Improvement Program Grant Terms and Conditions
CSAH 13 Turn Lane Construction in the City of Lake Elmo

WHEREAS, Washington County has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Local Road Improvement Project No. SAP 82-613-27; and

WHEREAS, the Commissioner of Transportation has given notice that funding for this local road improvement project is available; and

WHEREAS, the amount of the grant has been determined to be \$211,739.

NOW, THEREFORE, BE IT RESOLVED that Washington County does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.52, subdivision 5, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the road project, but not required

8. Approval to set a date for public hearing on the Big Marine Park Reserve Master Plan for August 3, 2010.
9. Approval of the 2010 Federal Boating Safety Supplemental Grant in the amount of \$20,987 for the purchase of specific equipment or other items that will be used for recreational boating safety activities.
10. Approval to accept a donation from the White Bear Lake Conservation District in the amount of \$2,300 for the purchase of specific equipment or other items that will be used for recreational boating safety activities.

The foregoing Consent Calendar was adopted unanimously with a Roll Call vote as follows: Ayes, Commissioner Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

PUBLIC HEARING – HOUSING AND REDEVELOPMENT AUTHORITY

Pledge the General Obligation of Washington County as Security for the Issuance of Revenue Bond Refunding for the Landfall Terrace Manufactured Home Park Located in the City of Landfall

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The Board Chair presented a brief overview of today's public hearing to consider the request by the Washington County Housing and Redevelopment Authority to allow it to pledge the general obligation of Washington County as security for the issuance of revenue bond refunding for the landfall terrace manufactured home park located in the City of Landfall. The Board Secretary indicated that the notice of public hearing was published and is on record.

Barbara Dacy, Housing and Redevelopment Authority (HRA) Executive Director, noted that Landfall Terrace is a manufactured home park in the City of Landfall located just north of I-94 and it consists of approximately 300 manufactured homes. The existing bond structure that the County Board and the HRA issued was initiated in 1997. Four years prior to that, the HRA purchased Landfall Terrace in 1993 and instituted improvements to the manufactured home park. In 1997 in a effort to reduce the HRA portfolio but to maintain affordable housing, the HRA and the county cooperated on a bond issue where the county HRA leases the manufactured home park to the City of Landfall. Those lease payments in turn pay for the debt service on those bonds.

Ms. Dacy stated the purpose of today's meeting is for the Board to conduct the public hearing. Because of the climate in the market place the HRA would like to refund the bonds and take advantage of a lower interest rate. In order to do so, the County Board would have to renew the general obligation pledge on the new bonds. The proposed bond structure they are anticipating would reduce the interest from approximately 5% to 3% for a savings of \$700,000. The City of Landfall has asked that the HRA use the savings from the lower interest rate to reduce the term by two years. The City of Landfall has also requested that a portion of the surplus cash flow also be allocated to the payment of principle and interest.

Ms. Dacy noted that on June 30, 2010, the City of Landfall and the Landfall HRA adopted the required resolutions subject to the review of their bond counsel. The HRA is asking the County Board to conduct the public hearing today and act on the resolution next week. The HRA would then act on its approvals on July 20, 2010 and the bond sale would occur at the end of this month.

Commissioner Hegberg stated when this matter went to the Finance Committee it was noted that there was no additional cash coming out of the bond, it is strictly a refinance of the total bond issue. Ms. Dacy indicated that was correct.

The Board Chair asked for comments from the public; none were heard. The Board Secretary indicated that she had received all of the documentary evidence. The Board Chair closed the public hearing.

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Commissioner Hegberg moved to continue this matter of the request by the Washington County Housing and Redevelopment Authority to allow it to pledge the general obligation of Washington County as security for the issuance of revenue bond refunding for the Landfall Terrace. Commissioner Peterson seconded the motion and it was adopted unanimously.

PUBLIC HEARING – PUBLIC HEALTH AND ENVIRONMENT

Consider Amendments to the Washington County Lodging Establishment Ordinance No. 146, Manufactured Home Park, Recreational Camping Area, and Youth Group Ordinance No. 147, and Public Pool Ordinance No. 148

The Board Chair provided a brief overview of today's public hearing to consider amendments to the Washington County Lodging Establishment Ordinance No. 146, Manufactured Home Park, Recreational Camping Area, and Youth Group Ordinance No. 147, and Public Pool Ordinance No. 148. The Board Secretary noted that notice of public hearing was published and the affidavit of publication was on file.

Amanda Strommer, Public Health and Environment Program Manager, presented an overview of the proposed amendments to the Washington County Lodging Establishment Ordinance No. 146, Manufactured Home Park, Recreational Camping Area, and Youth Group Ordinance No. 147, and Public Pool Ordinance No. 148. These ordinances were last revised in 2000. The ordinances closely follow the state rules and there are no areas where the county is more restrictive than the state standards. A stakeholder meeting was held to inform the licensed establishments of these changes. Changes to the ordinances include the additions of definitions for the safe drinking water act for public water supply and systems; the definition of public water system includes information on the number of service connections and the number of individuals being served by the water supply; successor clauses to incorporate future changes in state rules and statues have been added; and addition of language that states that a license granted by the department means that the requirements of the department for conducting the licensed business has been met, so there may be additional requirements from other entities that they need to obtain in order to conduct business.

Ms. Strommer reviewed changes to the individual ordinances as follows:

Lodging Ordinance #146 – Definitions for clean lodging establishment and person have been updated. Clean was updated to mean absence of things such as dirt, grease, rubbish, garbage and other offensive matter. Lodging establishment was changed slightly to clarify a time period for providing lodging be one week or more or with five our more beds. Person was updated slightly to include government entities along with individuals and corporations.

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Manufactured Home Park/Recreational Camping Area and Youth Camp Ordinance #147 – The same change was made to the definition of person. A definition from State Statute was also added for special event recreational camping area. It includes a recreational camping area which operates no more than two times annually and not more than fourteen consecutive days. They are currently exploring whether the county has had any of these events in the county. Examples might be community festivals, music festivals or sporting events. A change in the definitions also includes removing permit and permittee because in 2009 the legislature amended the state statutes to no longer exempt youth camps from paying license fees. Previously the county issued the youth camps a permit, but now they would receive a license just as the rest of the licensed establishments. In order to charge youth camps for license fees, the county is updating that provision within the ordinance. The actual fee would be set by the County Board at a later date when it adopts the fee schedule. The program is fee for service to cover the cost of doing inspections and providing education and technical assistance.

Public Pool Ordinance #148 – The biggest change was adding references to the Abigail Taylor Pool Safety Act, which was adopted by the legislature. The definition of public pool was changed slightly to clarify that it is basically any pool other than a private residential pool. There is also a clarification that variances and plan reviews for pools are conducted by the Minnesota Department of Health.

Commissioner Kriesel asked what the license fee was for youth camps. Ms. Strommer stated that in the past they were not charged fees. Staff is currently looking at what the fee might be. The state has set up a structure as far as how they would be categorized. The county is thinking that it would be about half of what the state is charging. They will come back to the Board at a later date with that fee.

Commissioner Kriesel asked what does the state charge. Ms. Strommer stated she will do some research and provide the Board with that information.

Commissioner Hegberg stated that some ordinances the Board passes only apply to townships and not cities. Are these ordinances only for the unincorporated areas? Ms. Strommer stated it would be throughout the entire county to both townships and cities.

Commissioner Peterson asked if there were a lot of pools that had to change their drains. Ms. Strommer stated there were a number of facilities that had to make improvements from the Abigail Taylor Pool Safety Act. In the beginning of 2009 it was any pool less than four feet. In January of 2011 all of the pools deeper than four feet will need to make those upgrades before they would receive a license.

Commissioner Peterson asked for a listing of those pools. Ms. Strommer indicated she will provide the Board with that information.

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Commissioner Weik asked if neighboring counties in Minnesota or Wisconsin were looked at to determine their fees. Ms. Strommer stated they regularly do fee schedule comparisons. When they set the fees two years ago they did a fee study of all of the neighboring metro counties and state. They threw out the highest and lowest fees and did a comparison to insure Washington County was in line with those.

Commissioner Weik asked if there was any grant money or scholarships for youth to attend these camps in the county. Ms. Strommer stated she was not sure about that. She believes a number of the types of camps such as the Girl Scout Camp and others might offer that, but she is not sure.

Commissioner Peterson stated that might be good information for the Board to have on what those camps are and where they are located.

The Board Chair asked for comments from the audience regarding the Lodging, Public Pool and Manufactured Home Park, Recreational Camping Area, and Youth Camp proposed ordinances; none were heard. The Board Secretary indicated that she had received all documentary evidence.

Commissioner Peterson moved to close the public hearing to consider amendments to the Washington County Lodging Establishment Ordinance No. 146, Manufactured Home Park, Recreational Camping Area, and Youth Group Ordinance No. 147, and Public Pool Ordinance No. 148. Commissioner Weik seconded the motion and it was adopted unanimously.

Commissioner Hegberg moved to adopt **Resolution No. 2010-099** as follows:

Resolution Adopting Washington County
Lodging Establishment Ordinance No. 181

WHEREAS, the Minnesota Local Public Health Act MINN. STAT. CHAPT. 145A, imposes upon the counties the responsibility of protecting and promoting the health of its citizens through the prevention of disease, injury, disability and preventable death; and

WHEREAS, the counties are to advance this mandate through the promotion of effective coordination and use of community resources and by the extension of health services into the community; and

WHEREAS, MINN. STAT. § 145A.03 requires counties to undertake the responsibility of a board of health or establish a board of health; and

WHEREAS, Washington County Department of Public Health and Environment is the county agency given responsibility by the Washington County Board of Health to administer the county's statutory mandate; and

WHEREAS, MINN. STAT. § 145A.04 authorizes counties to enforce laws, regulations and ordinances attendant to the local Board of Health; and

WHEREAS, MINN. STAT. § 145A.05 authorizes county boards to adopt ordinances to regulate actual or potential threats of public health consistent with the Minnesota Local Public Health Act; and

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WHEREAS, the Minnesota Department of Health currently regulates and has enforcement authority over lodging establishments; and

WHEREAS, the Minnesota Department of Health wishes to delegate this oversight authority to Washington County through a delegation agreement; and

WHEREAS, on July 6, 2010, the Washington County Board of Commissioners conducted a public hearing pursuant to MINN. STAT. § 375.51, to adopt the Washington County Lodging Establishment Ordinance, Ordinance No. 181.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Lodging Establishment Ordinance No. 181.

BE IT FURTHER RESOLVED, that the Washington County Lodging Establishment Ordinance attached hereto shall be effective upon and after the publication of this ordinance according to law and the execution of a delegation agreement.

Summary of Lodging Establishment Ordinance No. 181

The Washington County Lodging Establishment Ordinance (#181) has been updated to ensure consistency with standards of the Minnesota Department of Health, including among other things, minimum standards for design, construction, operation, and maintenance of lodging establishments.

Pursuant to the Minnesota Local Public Health Act and Minnesota Statutes Chapters 157 and 375, Washington County has adopted the Lodging Establishment Ordinance in order to protect the public health, safety, and general welfare of the people of Washington County.

Sections 1 and 2 sets forth the purpose, authority, and scope of the ordinance. Minnesota Statutes Chapter 157 and Minnesota Rule 4625 provide minimum standards for lodging establishments, provide that correction of present conditions that may adversely affect persons utilizing the establishment must be made, and require that the establishment meet quality expectations of consumers.

Section 3 establishes the Department of Public Health and Environment as the administrator of the Ordinance and also states that the Washington County Administrative Ordinance applies to Lodging Establishments.

Section 4 defines words, phrases, and terms of the ordinance and those set forth in Minnesota Rule 4625 and the Washington County Food Ordinance.

Section 5 discusses annual licensing and fees for a lodging establishment and explains that only a person who complies with the ordinance is entitled to receive a license. Fees are established by the Washington County Board of Commissioners and are pro-rated when ownership changes or when the lodging establishment is open only during various times of the year. Pro-ration of fees does not apply to lodging establishments that operate on a seasonal basis.

Section 6 reviews the minimum frequency of mandatory inspections, the length of time for correction or removal of violations, and the location that such inspection reports shall be posted in the lodging establishment.

Section 7 discusses the Department of Public Health and Environment's review of construction, remodeling, or conversion plans whenever a lodging facility is constructed or remodeled, or when a structure is converted to use as a lodging establishment.

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Section 8 reviews variances and when they will be granted in accordance with the Washington County Administrative Ordinance when unnecessary hardships exist.

Section 9 the enforcement section explains that a violation of the ordinance is a criminal misdemeanor offense and is punishable. The section further explains that civil relief, such as injunctive relief, may be requested by the County Attorney in order to compel performance. Suspension, summary suspension, and revocation of license may occur when deemed appropriate by the Department of Public Health and Environment. The Department of Public Health and Environment may also request an informal hearing where the violations will be discussed with the owner or operator of the lodging establishment.

Sections 10 states that if any provision or the application of any provision of the ordinance is held invalid, that invalidity shall not affect other provisions or application of the Lodging Ordinance.

Section 11 establishes that the effective date of the ordinance is upon passage by the Washington County Board of Commissioner and publication according to law.

The foregoing is intended only as a summary of the Washington County Lodging Establishment Ordinance. A printed copy of these regulations adopted by Washington County Ordinance No.181 is available for inspection during regular office hours at the Office of the Washington County Auditor/Treasurer, the Washington County Department of Public Health and Environment, and on the Washington County website.

Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

Commissioner Weik moved to adopt **Resolution No. 2010-100** as follows:

Resolution Adopting Washington County Manufactured Home Park,
Recreational Camping Area, and Youth Camp Ordinance No. 182

WHEREAS, the Minnesota Local Public Health Act MINN. STAT. CHAPT. 145A, imposes upon counties the responsibility of protecting and promoting the health of its citizens through the prevention of disease, injury, disability and preventable death; and

WHEREAS, the counties are to advance this mandate through the promotion of effective coordination and use of community resources and by the extension of health service into the community; and

WHEREAS, MINN. STAT. § 145A.03 requires counties to undertake the responsibility of a board of health or establish a board of health; and

WHEREAS, Washington County Department of Public Health and Environment is the county agency given responsibility by the Washington County Board of Health to administer the county's statutory mandate; and

WHEREAS, MINN. STAT. § 145A.04 authorizes counties to enforce laws, regulations and ordinances attendant to the local Board of Health; and

WHEREAS, MINN. STAT. § 145A.05 authorizes county boards to adopt ordinances to regulate actual or potential threats of public health consistent with the Minnesota Local Public Health Act; and

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WHEREAS, the Minnesota Department of Health currently regulates and has enforcement authority over manufactured home parks, recreational camping areas, and youth camps; and

WHEREAS, the Minnesota Department of Health wishes to delegate this oversight authority to Washington County through a delegation agreement; and

WHEREAS, on July 6, 2010, the Washington County Board of Commissioners conducted a public hearing pursuant to MINN. STAT. § 375.51, to adopt the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance No. 182.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance, Ordinance No. 182.

BE IT FURTHER RESOLVED, that the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance attached hereto shall be effective upon and after publication of this ordinance according to law and the execution of a delegation agreement.

Summary of Manufactured Home Park, Recreational
Camping Area, and Youth Camp Ordinance No. 182

The Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance (#182) has been updated to ensure consistency with standards of the Minnesota Department of Health, including among other things, the provision of safe water supply, sewage disposal, and physical sanitation to assure that public health and safety is protected at such facilities.

Pursuant to the Minnesota Local Public Health Act and Minnesota Statutes Chapters 144.71 to 144.74, 145A, 157, 327.14 to 327.28, and 375, Washington County has adopted the Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance in order to protect the public health, safety, and general welfare of the people of Washington County.

Sections 1 and 2 set forth the purpose, authority, and scope of the Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance which applies to all Manufactured Home Parks, Recreational Camping Areas, and Youth Camps, and connected facilities as defined in Minnesota Statute 144.71 and 327.14 and Minnesota Rule 4630. The Ordinance establishes minimum standards for design, construction, operation, and maintenance.

Section 3 explains that this Ordinance incorporates the Washington County Administrative Ordinance and it will be administered by the Washington County Department of Public Health of Environment.

Section 4 is the definition section of the Ordinance and defines words, phrases, and terms of the Ordinance and those set forth in Minnesota Statute 144.71 and 327.14 and Minnesota Rule 4630.

Section 5 describes the licensing and fee process for the annual license. Fees are established by the Washington County Board of Commissioners and are pro-rated when there is a change in ownership or operations begin at various times during the year.

Section 6 deals with inspections. Each Manufactured Home Park, Recreational Camping Area, and Youth Camp shall be inspected prior to change of ownership or new establishment. Failure to correct or remove a violation as noted on the inspection report will constitute a separate violation.

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Section 7 discusses the standard for health and safety in accordance with Minnesota Statute 144.71 to 144.74 and 327.14 to 327.28 and Minnesota Rule 4630. Whenever a Manufactured Home Park, Recreational Camping Area, or Youth Camp is constructed or remodeled, proper plans and specifications for each construction or remodeling shall be submitted to the Department of Public Health and Environment. Section 7 also explains that if a Manufactured Home Park, Recreational Camping Area, or Youth Camp also has a food establishment, lodging establishment, or public pool, the establishment must also comply with the appropriate ordinance.

Section 8 reviews variances and when they will be granted in accordance with the Washington County Administrative Ordinance when unnecessary hardships exist.

Section 9 is the enforcement section which describes that a violation of the ordinance is a criminal misdemeanor offense and the County Attorney may choose to pursue the violation civilly and request injunctive relief, compel performance, or the Department of Public Health and Environment may request informal hearing with the owner or operator. The Department of Public Health and Environment may suspend, summary suspend, and revoke a license in accordance with the Washington County Administrative Ordinance.

Section 10 states that if any provision or the application of any provision of the Ordinance is held invalid, the invalidity shall not affect the other provisions or application of this Ordinance.

Section 11 addresses the effective date, which is upon passage of the Ordinance by the Washington County Board of Commissioner and publication according to law.

The foregoing is intended only as a summary of the Washington County Manufactured Home Park, Recreational Camping Area, and Youth Camp Ordinance. A printed copy of this ordinance adopted by Washington County Ordinance No. 182 is available for inspection during regular office hours at the Office of the Washington County Auditor/Treasurer, the Washington County Department of Public Health and Environment, and on the Washington County website.

Commissioner Peterson seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

Commissioner Weik moved to adopt **Resolution No. 2010-101** as follows:

Resolution Adopting Washington County
Public Pool Ordinance No. 183

WHEREAS, the Minnesota Local Public Health Act MINN. STAT. CHAPT. 145A, imposes upon counties the responsibility of protecting and promoting the health of its citizens through the prevention of disease, injury, disability and preventable death; and

WHEREAS, the counties are to advance this mandate through the promotion of effective coordination and use of community resources and by the extension of health services into the community; and

WHEREAS, MINN. STAT. § 145A.03 requires counties to undertake the responsibility of a board of health or establish a board of health; and

WHEREAS, Washington County Department of Public Health and Environment is the county agency given responsibility by the Washington County Board of Health to administer the county's statutory mandate; and

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WHEREAS, MINN. STAT. § 145A.04 authorizes counties to enforce laws, regulation and ordinances attendant to the local Board of Health; and

WHEREAS, MINN. STAT. § 145A.05 authorizes county boards to adopt ordinances to regulate actual or potential threats of public health consistent with the Minnesota Local Public Health Act; and

WHEREAS, the Minnesota Department of Health currently regulates and has enforcement authority over public pools; and

WHEREAS, the Minnesota Department of Health wishes to delegate this oversight authority to Washington County through a delegation agreement; and

WHEREAS, on July 6, 2010, the Washington County Board of Commissioners conducted a public hearing pursuant to MINN. STAT. § 375.51, to adopt the Washington County Public Pool Ordinance, Ordinance No. 183.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Public Pool Ordinance, Ordinance No. 183.

BE IT FURTHER RESOLVED, that the Washington County Public Pool Ordinance attached hereto shall be effective upon and after the publication of this ordinance according to law and the execution of a delegation agreement.

Summary of Public Pool Ordinance No. 183

The Washington County Public Pool Ordinance (#183) has been updated to ensure consistency with standards of the Minnesota Department of Health, including among other things, minimum standards for design, construction, operation, and maintenance of public pools so that health and safety hazards will be minimized.

Pursuant to the Minnesota Local Public Health Act and Minnesota Statutes Chapters 144.1222, 145A, 157, and 375, Washington County has adopted the Public Pool Ordinance in order to protect the public health, safety, and general welfare of the people of Washington County.

Sections 1 and 2 set forth the purpose, authority, and scope of the Public Pool Ordinance which applies to all public pools and connected facilities as defined in Minnesota Statute 144.1222 and Minnesota Rule 4717. The Ordinance establishes minimum standards for design, construction, operation, and maintenance.

Section 3 explains that this Ordinance incorporates the Washington County Administrative Ordinance and it will be administered by the Washington County Department of Public Health of Environment.

Section 4 is the definition section of the Ordinance and defines words, phrases, and terms of the Ordinance and those set forth in Minnesota Statute 144.1222 and Minnesota Rule 4717.

Section 5 describes the licensing and fee process for the annual license. Fees are established by the Washington County Board of Commissioners and are pro-rated when there is a change in ownership or operations begin at various times during the year. If an existing pool is out of service for more than 30 days, it is considered a new pool for licensure when reopening.

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Section 6 deals with inspections. Each public pool shall be inspected prior to opening, change of ownership, or new establishment. All necessary corrections must be made before the license will issue. Failure to correct or remove a violation as noted on the inspection report will constitute a separate violation.

Section 7 discusses the standard for health and safety in accordance with Minnesota Statute 144.1222 and Minnesota Rule 4717. Whenever a pool is constructed or remodeled, proper plans and specifications for each construction or remodeling shall be submitted to the Minnesota Department of Health. Section 7 also explains that if a public pool also has a food establishment, lodging establishment, manufactured home park, camping area or youth camp, the establishment must also comply with the appropriate ordinance.

Section 8 reviews variances and that they must be granted by the Minnesota Department of Health.

Section 9 is the enforcement section which describes that a violation of the ordinance is a criminal misdemeanor offense and the County Attorney may choose to pursue the violation civilly and request injunctive relief, compel performance, or the Department of Public Health and Environment may request informal hearing with the owner or operator. The Department of Public Health and Environment may suspend, summary suspend, and revoke a license in accordance with the Washington County Administrative Ordinance.

Section 10 states that if any provision or the application of any provision of the Ordinance is held invalid, the invalidity shall not affect the other provisions or application of this Ordinance.

Section 11 addresses the effective date, which is upon passage of the Ordinance by the Washington County Board of Commissioner and publication according to law.

The foregoing is intended only as a summary of the Washington County Public Pool Ordinance. A printed copy of this ordinance adopted by Washington County Ordinance No. 183 is available for inspection during regular office hours at the Office of the Washington County Auditor/Treasurer, the Washington County Department of Public Health and Environment, and on the Washington County website.

Commissioner Peterson seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

SHERIFF'S OFFICE

Commissioner Kriesel moved to adopt **Resolution No. 2010-102** as follows:

Proclamation Dedication of Washington County Sheriff's Office History Wall

WHEREAS, the men and women of the Sheriff's Office have built a strong tradition of outstanding service to the citizens of Washington County. This strong tradition has been documented and preserved through history by means of photographs, historical writings and artifacts.

WHEREAS, one of many interesting facts regarding some of the men that have served as Sheriff of Washington County are their backgrounds, which include Territorial Senators, Business owners, Lumberman and Coroners.

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WHEREAS, the first Sheriff of St. Croix Territory, now known as Washington County was Sheriff Phineas Lawrence, Sheriff Lawrence was appointed in 1840, and was elected several more times and was ultimately replaced by Sheriff James Fischer in 1846.

WHEREAS, there have been a total of 28 Sheriffs elected to office in Washington County from 1840 to present. The “longest serving Sheriff” title is shared by 2 men; Thomas Maher and Ruben Granquist, both serving the Office for 28 years each. The “shortest serving Sheriff” title belongs to E.E. Wells, who served the office for a total of 26.5 hours following the death of Sheriff Louis Jarchow.

WHEREAS, in an effort to recognize and preserve records of these efforts, service and accomplishments of all who have served the Washington County Sheriff’s Office, the history surrounding the Office should be maintained so that generations to come will know the humble beginnings and the strong tradition that has been built over the past 170 years. As we know, history can actually be a roadmap for the future.

NOW, THEREFORE, a display of numerous pictures, artifacts and historical equipment used by the Sheriff’s Office personnel in the past are now on display in the Sheriff’s Office corridor for all to reflect on and enjoy.

Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

PROPERTY RECORDS AND TAXPAYER SERVICES

Joint Powers Agreement with the City of Woodbury for Election Administration Services

Commissioner Weik moved to approve the Joint Powers Agreement between Washington County and the City of Woodbury for election administration services. Commissioner Peterson seconded the motion and it was adopted unanimously.

Joint Powers Agreement with the City of Oakdale for Election Administration Services

Commissioner Weik moved to approve the Joint Powers Agreement between Washington County and the City of Oakdale for election administration services. Commissioner Peterson seconded the motion and it was adopted unanimously.

PUBLIC WORKS

Waive Parks Vehicle Permit Fees to Program Eligible Veterans, Military Personnel and Spouses

Commissioner Peterson moved to adopt **Resolution No. 2010-103** as follows:

Washington County Program to Waive Parks Vehicle Permit Fees to
Eligible Veterans, Military Personnel, and Spouses of
Deployed Military Personnel

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WHEREAS, Washington County recognizes the sacrifices that have been made and are currently being made by our country's military personnel; and

WHEREAS, Washington County was designated a Yellow Ribbon County by Governor Tim Pawlenty on January 4, 2010; and

WHEREAS, Washington County has a public parks system that requires the purchase of a permit for all vehicles entering the parks; and

WHEREAS, Washington County offered a program, implemented July 1, 2009 to June 30, 2010, waiving the vehicle permit fees for military personnel on leave, spouses of deployed military personnel, and disabled veterans; and

WHEREAS, this program serves the public purpose of recognizing the sacrifices of veterans and current members of the military as reflected in numerous provisions of State Statute; and

WHEREAS, this program offers support to military personnel and their families as a part of the Beyond the Yellow Ribbon initiative; and

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners, without further action, hereby authorizes the parks division to:

1. Waive the annual vehicle permit fee to any veteran who has a total and permanent service-connected disability upon the presentation of proper identification and/or a copy of their determination letter.
2. Waive the annual vehicle permit fee to the spouse of any currently deployed military personnel upon the presentation of proper identification and other appropriate paperwork.
3. Waive the daily vehicle permit fee to any military personnel on leave and/or visiting within 90 days of leaving active service upon the presentation of current military orders and identification.
4. Waive the daily vehicle permit fee to any veteran with any level of service-connected disability upon the presentation of proper identification and/or a copy of their determination letter.

Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

Purchase of Pontius Property for the St. Croix Trail

Commissioner Peterson moved to adopt **Resolution No. 2010-104** as follows:

Resolution to Acquire Pontius Property for Inclusion into the
St. Croix Valley Regional Trail System and Use Land and Water
Legacy Program Funds for a Portion of the Purchase

WHEREAS, Washington County is interested in acquiring the property described herein in Denmark Township along the St. Croix River for inclusion into the St. Croix Valley Regional Trail System; and

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WHEREAS, the owner has agreed to sell the property to Washington County; and

WHEREAS, Washington County will receive an "Acquisition Opportunity Fund Grant" from the Metropolitan Council to fund approximately 75% of the costs to purchase the regional park portion of the property; and

WHEREAS, Washington County has enacted the Acquisition of Development Rights Ordinance #175 to establish a program for the preservation of open space, parks and public water, commonly referred to as the Land and Water Legacy Program, and has established the policies, rules and official controls governing such acquisitions; and

WHEREAS, Washington County intends to issue general obligation bonds to acquire land and interests in land to fund the Land and Water Legacy Program; and

WHEREAS, Washington County passed Resolution Number 2010-060 making a declaration of official intent to reimburse certain costs of projects identified as part of the Land and Water Legacy Program from proceeds of the general obligation bonds in accordance with Section 1.150-2(d)(3) of the Treasury Regulations; and

WHEREAS, the purchase of regional trails is an eligible expenditure of Land and Water Legacy funds; and the Washington County Board of Commissioners has determined that the Pontius property, parcel identification numbers 0902620240003 and 0902620240004 meet the criteria of the Land and Water Legacy Program and is worthy of protection.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorize its Chairman and Administrator to execute on behalf of the county a Purchase Agreement and any other document necessary for the county to purchase the property as shown on the aerial photo attached and legal description attached hereto.

BE IT FURTHER RESOLVED, that Washington County will use Land and Water Legacy funds for approximately 25% of the costs to purchase the regional park portion of the property and that the Washington County Board of Commissioners intends that the costs of the project shall come from proceeds of the general obligation bonds issued to finance the preservation water quality, woodlands and other natural areas.

BE IT FURTHER RESOLVED, that Washington County will purchase said property for a sum of \$915,905.00.

LEGAL DESCRIPTION

St. Croix Valley Regional Trail Segment
Pontius Property - Denmark Township

That part of the south 300.00 feet of Government Lot 8, Section 9, Township 26 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at the Northwest corner of said south 300.00 feet of Government Lot 8; thence North 88 degrees 31 minutes 31 seconds East, bearings are assumed, along the north line of said south 300.0 feet of Government Lot 8, a distance of 769.52 feet to the point of beginning; thence South 01 degrees 28 minutes 29 seconds East a distance of 300.00 feet to the south line of said Government Lot 8; thence North 88 degrees 31 minutes 31 seconds East, along said south line of Government Lot 8, a distance of 215.00 feet to the westerly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 04 degrees 28 minutes 02 seconds East, along said westerly right of way line, a distance of 255.20 feet; thence South 85 degrees 31 minutes 58 seconds East a distance of 100.00 feet to the easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 04 degrees 28 minutes 02 seconds West, along said easterly right of way line, a distance of 244.80 feet to the south line of said

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Government Lot 8; thence North 88 degrees 31 minutes 31 seconds East, along said south line of Government Lot 8, a distance of 2 feet, more or less, to the west shore of Lake St. Croix; thence northerly along said west shore to its intersection with the north line of said south 300.00 feet of Government Lot 8; thence South 88 degrees 31 minutes 31 seconds West, along said north line, a distance of 371 feet, more or less, to the point of beginning.

Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Kriesel, Peterson, Weik, and Pulkrabek; Nays, none.

COMMUNITY SERVICES

Linda Bixby, Community Services Supervisor, presented a follow-up to a workshop that was presented on June 15, 2010 on the child support program. The Washington County Child Support Unit serves about 6,800 families. Last year they collected over \$26 million in support within those families. Washington County performs well compared to the state average in collections. The county collects \$7.30 for every dollar that is spent in the program, ranking third in the state.

Jenna Penfield, Community Services Supervisor, reviewed the support that goes uncollected. Most of the parents are ready and willing to pay child support; and some are uninformed, unable, reluctant, or evading paying. Currently there are 405 cases that have not paid support in over a year, which is 7 percent of the case load. Of that 7 percent, 85 percent of those cases have enforcement actions in place.

ACCOUNTING AND FINANCE

Harley Will, Director of Accounting and Finance, presented the 2009 Comprehensive Annual Financial Report (CAFR). He also presented the County Board the Government Finance Officers Association's Certificate of Achievement for Excellence in Finance Reporting for the 2008 CAFR. This marks the 24th consecutive year that the county has received this award.

Mr. Will presented an update on the Independent Auditors management report on the internal control and compliance to the county. The external auditor's report expresses an unqualified opinion on the county's basic financial statements and lists two findings and recommendations for improvements in financial reporting. A letter responding to the findings and recommendations has been prepared and has been reviewed and approved by the Audit Advisory Committee at its June 17, 2010 meeting. It was the recommendation of the Audit Advisory Committee that the County Board approve the response for submittal to the Independent Auditor's Office.

Commissioner Kriesel moved to approve the county's response to the Independent Auditor's findings and recommendations contained in the 2009 Comprehensive Annual Financial Report. Commissioner Peterson seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION**2009 Audit Committee Report**

Molly O'Rourke, Deputy Administrator, provided an overview of the 2009 Audit Committee Report.

Lake Elmo Library

Jim Schug, County Administrator, noted that in today's Board Correspondence, there is a letter from the City of Lake Elmo Mayor, Dean Johnston, advising the county of the city's adoption of a resolution establishing a city public library service as opposed to a county regional library service. In the letter and resolution, the Mayor and City Council indicate its intent to continue to discuss and negotiate with the county the possibility of maintaining the existing regional library system; or, if not able to do that to withdraw and transfer that function to the city.

Mr. Schug stated there were a number of complex legal, financial, taxation and operational issues that need to be researched by county staff. His recommendation at this time would be to recommend that the County Board direct county staff to meet with city staff to discuss those issues and also to continue its research into the various issues that would affect this type of transfer. To his knowledge there is not another city that has pulled out of a regional library system, so there are some areas that need additional research. County staff has met internally to discuss the taxation issues. He is proposing to continue this research and meet with the City of Lake Elmo and report back to the County Board at a later date with their findings and a possible recommendation to a response to the city's resolution.

Commissioner Kriesel moved to direct county staff to meet with City of Lake Elmo staff to discuss the city's resolution to establishing a city public library service as opposed to a county regional library service; and, also to continue its research into the various issues that would affect this type of transfer. Commissioner Peterson seconded the motion and it was adopted unanimously.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Hegberg stated he attended the groundbreaking ceremony for the TrailSide Senior Housing Project in Forest Lake last week. He also participated in the Forest Lake parade.

Commissioner Weik stated last Tuesday she attended a neighborhood entrance monument dedication ceremony in Woodbury at the Royal Oaks neighborhood. She also attended a Woodbury Community Foundation event sponsored by Associated Bank. She attended the Mosquito Control meeting and the Solid Waste Management Coordinating Board meeting. She also attended the Library Board meeting and reported that the Hugo Kiosk installation is scheduled for July 8.

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Commissioner Pulkrabek requested that the Board revisit an issue that came up a couple years ago. He's heard from residents who live on 15th and 10th Streets in Lake Elmo, near the Lake Elmo Park Reserve, that they would like to see a formal entrance to the park from 15th Street. A handful of residents like to take their horses and enter the park from the informal entrance on 15th rather than riding their horses on to 10th Street to enter the park which is busy and dangerous.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Kriesel moved to adjourn, seconded by Commissioner Weik and it was adopted unanimously. The Board meeting adjourned at 11:04 a.m.

Bill Pulkrabek, Chair
County Board

Attest:

James R. Schug
County Administrator

