

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**APRIL 3, 2007**

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Peterson, Pulkrabek, Kriesel, Orth, and Hegberg. Absent none. Board Chair Kriesel 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; Jim Luger, Parks Director; Carolyn Phelps, Historic Courthouse Coordinator; Sheriff Bill Hutton; Chief Deputy Mike Johnson; Dan Papin, Community Services Director; Patrick Singel, Deputy Community Services Director; Rick Backman, Community Services Division Manager; Mary Farmer-Kubler, Community Services Supervisor; Tammy Kincaid, Community Services Supervisor; Vicki DeFord, Human Resources Deputy Director; Lowell Johnson, Director of Public Health and Environment; Jean Streetar, Program Manager; Cindy Weckwerth, Program Manager; John Freitag, Sr. Environmental Specialist; Amanda Goebel, Sr. Environmental Specialist; Deb Paige, Emergency Services Manager; Kevin Corbid, Director of Property Records and Taxpayer Services; Tom Adkins, Community Services Director; Harley Will, Financial Services Director; Mjyke Nelson, Information Technology Director; and Steve Nelson, 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 Peterson moved, seconded by Commissioner Hegberg to adopt the following Consent Calendar:

1. Approval of the March 13, 20, and 27 Board meeting minutes.
2. Approval to set a public hearing for April 24, 2007 to consider repealing the Purchase of Development Rights (PDR) Ordinance #144 and replacing it with the Acquisition of Development Rights Ordinance.
3. Approval of an agreement with the American Red Cross of the Twin Cities Area to provide emergency social services and crisis response services for Washington County for the period April 1, 2007 to June 30, 2007.

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4. Approval to renew contract with the City of Hugo for individual sewage treatment system permitting and inspection.
5. Approval of a letter of support for legislation creating a Renewable Energy Agency.
6. Approval and execution of Lease Amendment No. 1 for lease of space with SouthMetro Centers V, LLC for the Stillwater License Center in the Valley Ridge Plaza.
7. Approval of cooperative agreement with the Washington Conservation District (WCD) and United States Fish and Wildlife Service (USFWS) for buckthorn removal in Big Marine Park Reserve.
8. Adoption of **Resolution No. 2007-036** as follows:

Final Payment on 2006 Overlay Projects to  
Tower Asphalt, Inc.

WHEREAS, the Washington County Board of Commissioners, on May 2, 2006 approved a bid award to Tower Asphalt, Inc. and signed a contract with said company for overlays on CSAH 4 (170<sup>th</sup> Street) from TH 61 to Ingersoll Avenue in Hugo; CSAH 16 (Valley Creek Road) from east of Woodlane Drive to Bielenberg Drive in Woodbury; CSAH 18 (Bailey Road) from east of Radio Drive to Woodbury Drive in Woodbury; Bicycle Trail along CSAH 18 (Bailey Road); CSAH 24 (Osgood Avenue) from CSAH 14 to TH 36 in Oak Park Heights and Baytown Township; CR 50 (200<sup>th</sup> Street and 202<sup>nd</sup> Street) from TH 61 to July Avenue in Forest Lake; Lake Elmo Regional Park Bicycle Trail; St. Croix Bluffs Regional Park and Point Douglas Park Parking lots in Denmark Township; Historic Courthouse Parking Lot in Stillwater; and

WHEREAS, Tower Asphalt, Inc. has satisfactorily completed all work in accordance with the terms and conditions of the contract.

NOW, THEREFORE, BE IT RESOLVED, that Tower Asphalt, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

The foregoing Consent Calendar was adopted unanimously.

**TRANSPORTATION AND PHYSICAL DEVELOPMENT**

Commissioner Peterson moved to approve Change Order No. 3 to contract with Parkos Construction Company for the restoration of Historic Courthouse Dome and repair/replacement of windows. Commissioner Orth seconded the motion and it was adopted unanimously.

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**COMMUNITY SERVICES**

Commissioner Peterson moved to adopt **Resolution No. 2007-037** as follows:

Authorizing the Washington County Community Services Department to  
Apply for and Administer the Family Homeless Prevention and  
Assistant Program, a State of Minnesota Program

WHEREAS, the Minnesota State Legislature established the Family Homeless Prevention and Assistance Program (FHPAP) in 1993 to assist families with children, youth/unaccompanied youth, and single adults who are homeless or are at imminent risk of homelessness; and

WHEREAS, funds are used for a broad range of activities aimed at homelessness prevention, minimizing episodes of homelessness, and eliminating repeat episodes of homelessness; and

WHEREAS, the program supports innovation and development of a comprehensive system to address homelessness, with an emphasis on prevention; and

WHEREAS, in the Twin Cities seven-county metropolitan area, the county is an eligible applicant; and

WHEREAS, funding is awarded in the form of a flexible grant for a two-year period.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners authorizes Washington County Community Services to apply for and administer the State of Minnesota's Family Homeless Prevention and Assistance Program.

Commissioner Orth seconded the motion and it was adopted unanimously.

**PUBLIC HEALTH AND ENVIRONMENT****Public Health Week**

Commissioner Peterson moved to adopt **Resolution No. 2007-038** as follows:

Proclaim April 2 – 8, 2007 as  
Public Health Week in Washington County

WHEREAS, the people of Washington County benefit every day from the efforts of the public health and environment workforce when eating at restaurants, drinking tap water, learning about prevention of deadly diseases or receiving vaccinations; and

WHEREAS, Minnesota has a long history of public health success in preventing epidemics and the spread of disease, protecting against environmental hazards, and promoting and encouraging healthy behaviors; and

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WHEREAS, the efforts of public health and environment workers to protect the public are of even greater significance in light of the threat of natural or man-made disaster; and

WHEREAS, our experience managing natural disease outbreaks combined with effective planning and partnership between federal, state, and local authorities will assist us in a future crisis; and

WHEREAS, public health efforts alone cannot accomplish the goal of a healthier Washington County without cooperation and partnership with local, state and federal communities and individuals; and

WHEREAS, each of us needs to take the first step to prepare and secure a safe and healthy home and work environment in the event of an emergency; and

WHEREAS, the citizens of Washington County recognize the essential role public health and environment plays in their every day lives.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners do hereby proclaim April 2-8, 2007 as Public Health Week in Washington County, and commend this observance to all our citizens.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

### **Annual Groundwater Plan 2007 Work Plan**

Craig Leiser, Groundwater Advisory Committee Chairman, discussed the need for continued study of groundwater issues including water balance, contamination sources and treatment, and research into aquifer geology. He also stated that communication and integration of programs with all units of government is essential. The county-supported water consortium has been an effective example in communication between government units. New challenges include terroristic threats and protection of water reservoirs, previously unknown chemical or biological threats, and loss of resource before criticality can be determined. Mr. Leiser thanked the Board for its past commitment to this issue and to continue to be proactive in the future.

John Freitag, Sr. Environmental Specialist, presented highlights of the 2006 Groundwater Plan including: the City of Woodbury utilized the LCMR groundwater model to develop areas for future well drilling; updating watershed management plans; Brown's Creek and Carnelian-Marine Watershed Districts developed a Statement of Need and Reasonableness and completed a technical review for adoption of volume control and groundwater dependant natural resource protection standards; shared water resource educator and creation of the East Metro Water Resources Education Program; 28 abandoned wells were sealed; Afton oil spill clean-up; and discovery of solvents and cleaners in septic tank and their removal. Mr. Freitag presented the 2007 work plan which includes: help to local units of government to update their comprehensive plans by 2008; watershed district and water management organization projects including evaluating lake system modeling to estimate increased runoff volume due to land uses over time, assessing

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infiltration in cold climate conditions, and implementing a best management practice program that assists in pretreatment of water before infiltration; coordination with other state and regional agencies regarding PFC issues in southern Washington County and Lake Elmo/Oakdale Special Well Construction Area, PCE issues in the Baytown Special Well Construction Area, and coordination with Metropolitan Council and the Minnesota Department of Health for a contaminate flume map project; a draft Regional Water Supply Master Plan prepared by Metropolitan Council and the Metropolitan Area Water Supply Advisory Committee; and various educational groundwater activities.

Commissioner Peterson suggested sending a letter to the cities encouraging them to use the county's Groundwater Work Plan as they look at their 2008 comp plans, particularly those cities in the southern portion of Washington County.

### **TRANSPORTATION AND PHYSICAL DEVELOPMENT**

Commissioner Peterson moved to approve a contract with Conservation Solutions, Inc. for a conservation treatment of the Washington County Monument to Soldiers and Sailors located at the Historic Courthouse in the amount of \$36,320.88. Commissioner Hegberg seconded the motion and it was adopted unanimously.

Commissioner Peterson suggested sending an invitation to individuals who are currently serving in Iraq and Afghanistan so they may be recognized at the July 4 rededication of this monument.

### **HUMAN RESOURCES**

Commissioner Pulkrabek moved to adopt **Resolution No. 2007-039** as follows:

#### Correctional Officer Pension Plan

WHEREAS, on August 3, 1999 the Washington County Board of Commissioners certified original enrollment in the Correctional Officer Pension Plan for Washington County Correctional Officers and Correctional Officer Sergeants based on established PERA criteria; and

WHEREAS, on July 11, 2000 the Washington County Board of Commissioners certified additional enrollment in the Plan for the Jail Administrator, Assistant Jail Administrator and any Jail Program Coordinators who were promoted from the Washington County Correctional Officer classification, based on legislative changes to enrollment criteria; and

WHEREAS, on November 22, 2006 Washington County Human Resources received a request from PERA to provide names, classification titles and pension plan enrollment; and

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WHEREAS, on November 28, 2006 Washington County Human Resources provided names, classification titles and pension plan enrollment to PERA; and

WHEREAS, on December 6, 2006 Washington County Human Resources received a letter from PERA stating that Jail Program Coordinators Cynthia Doty, Tom Hollister and John Warneke were to be removed from Correctional Officer pension retroactively to July 11, 2000 because PERA deemed them ineligible; and

WHEREAS, on December 21, 2006 Washington County Human Resources Director sent a letter regarding enrollment in Correctional Officer plan as requested to Cheryl Keating, PERA Manager per Keating's request during a conference call on December 19, 2006; and

WHEREAS, on January 3, 2007 Washington County Human Resources received a letter from PERA stating that the plan change for Cynthia Doty, Tom Hollister and John Warneke will be prospective; and

WHEREAS, on January 17, 2007 John Warneke sent an appeal letter to Mary Vanek, Executive Director PERA; and

WHEREAS, on February 4, 2007 James J. Frank, former Washington County Sheriff, sent a letter "To Whom it May Concern" explaining the intent of the original enrollment of the Jail Program Coordinators in Correctional Officer plan; and

WHEREAS, on February 26, 2007 John Warneke sent a letter to the PERA Board of Trustees with attached survey done by John Warneke stating his intent to appeal PERA's decision to remove him from the Correctional Officers Plan; and

WHEREAS, on February 27, 2007 Tom Hollister sent a letter to the PERA Board of Trustees stating his intent to appeal PERA's decision to remove him from the Correctional Plan; and

WHEREAS, on March 2, 2007 Washington County Human Resources received a copy of a letter from Cheryl Keating, PERA Manager to the PERA Board of Trustees requesting the Board find that Cynthia Doty, Tom Hollister and John Warneke become ineligible for membership in the Correctional Plan effective December 21, 2006; and

WHEREAS, the Washington County Board certified on July 11, 2000 that Jail Program Coordinators who held Corrections Officer positions at Washington County were eligible for the Correctional Officers Pension Plan; Tom Hollister, Cynthia Doty and John Warneke are eligible for the Correctional Officers Pension Plan and Lori Hanson and William Hoffman ineligible for the Correctional Officers Pension Plan, but eligible for the Coordinated Plan; and

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WHEREAS, It is the intention of the current Washington County Sheriff to update the job descriptions to reflect the classification of Jail Program Coordinators to more generalist than specialist, put in place a schedule of rotating assignments to increase the knowledge and productivity, and provide training to respond to incidents in the jail; and

NOW, THEREFORE, BE IT RESOLVED, That after reviewing the applicable State Statute and the rationale for the original enrollment of these three Jail Programmers in the Correctional Officers Pension Plan, the Washington County Board of Commissioners affirms its decision of July 11, 2000 to continue to include in the Correctional Officer Pension Plan the following employees: Cynthia Doty, Tom Hollister and John Warneke; and include William Hoffman and Lori Hanson in the Correctional Officers Pension Plan prospectively when the position descriptions, training requirements and job assignments have been updated to reflect the more general duties of the position.

Commissioner Peterson seconded the motion and it was adopted 4-1 with the vote as follows: Yes, Commissioners Peterson, Pulkrabek, Kriesel, and Orth; No, Commissioner Hegberg.

## **GENERAL ADMINISTRATION**

### **Legislative Update**

Jim Schug, County Administrator, presented a brief legislative update including: various property tax relief proposals being discussed; bill that would create automatic voter registration for driver's license and permit applicants; proposal in the House and Senate for increased funding for community corrections; additional funding for short-term offenders; proposal in both the House and Senate that would provide one-time money to back fill some of the Federal cuts under the Deficit Reduction Act; \$8 million for the State's child support system; under the chemical dependency treatment there is a proposal that would over a period of time equalize the financial participation of all counties; Senate proposal to move mental health case management to the health plans which would be phased in over two years; and, also additional county costs for treatment for persons who are in regional treatment centers.

Commissioner Peterson asked if the county has a program similar to Hennepin County, where Seniors have the ability to work off a portion of or their entire property tax? Mr. Schug indicated that is something the county has looked at in the past. His recollection is they found that the administrative cost of running that type of a program was somewhat significant. A decision was made not to pursue that. Staff could revisit that issue again and report back.

Commissioner Peterson indicated there was money in the House, Senate, and Governor's proposal for developmentally disabled individuals. Will the county have any access to that money or will it just go to schools? Mr. Schug indicated he was not sure, but will look into it and report on it next week.

**COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Peterson reported they taped County Insight last week and Judge Schurrer discussed traffic court. In the fall they will be having a program on Circle, restorative justice. She reported on the meeting with Ramsey County last week and was surprised that Ramsey County did not have the additional 911 charge on their legislative package. She also reported on the first joint legislative meeting of counties, cities and school districts. This Thursday she and Commissioner Hegberg will be attending Drug Court in Ramsey County at 1:00 p.m.

Commissioner Pulkrabek indicated he may go to the Drug Court session on Thursday also. He commented on the State's proposed property tax relief. He feels that the State is implying that local governments are out of control on their spending and therefore, the State has to step in and fill the gap and give people back some of their money because local government is not being responsible. He pointed out that the amount of money spent by the State of Minnesota for the last 10 years has far outpaced the aggregate spending of local government entities. For the State to turn around and point fingers at local government is ludicrous. Sometimes part of the driving force of why local governments raise their property taxes is because of unfunded mandates such as housing state prisoners in county jails. The State gives the counties a fraction of what it really costs to house them and mandates that the county pay the rest and that money comes from property taxes. He feels if the State wants to have a real impact on the property taxes, they should look at changing the classification rates and not just cutting a check to local government every once in a while when they get a budget surplus.

Commissioner Orth reported he also attended the legislative conference last week. He attended the transportation session and indicated that both the House and Senate passed transportation proposals which the Governor stated he would not accept either one of those. There was discussion at the legislative conference if they could change the bill a little bit they felt it was possible to get three more legislators to support it and then regardless of what the Governor does it would be implemented. He also indicated that the I-94 corridor study initially asked for \$1 million, then it was reduced to \$500,000 and now it may get down to \$250,000. Also, he had gotten a number of complaints from residents in Woodbury about Radio Drive and how many trees were being removed and moving the power lines closer to their houses. The individuals also called their State Representative Marsha Swails and Xcel Energy. He discussed this matter with the Administrator and Transportation and was informed that this would not create any problems other than the view. Representative Swails called him back and indicated she would be in favor of the county's recommendations. He drove by there and things are moving ahead.

Commissioner Hegberg reported he too attended the joint legislative conference and felt it was good to have all three entities involved. He also attended the Metro Transitway Board meeting where he stated that they shouldn't follow county lines, they should follow corridor lines because the Rush Line not only affects Anoka County, but also Washington and Isanti Counties.

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Commissioner Peterson asked that the Board mark their calendars for a transportation rally on Thursday, April 12 at 10:00 a.m. at the State Capitol.

Commissioner Pulkrabek indicated there would be a taxpayer's rally on April 14 at the Capitol.

**EXECUTIVE SESSION WITH THE DEPARTMENT OF TRANSPORTATION AND PHYSICAL DEVELOPMENT**

Commissioner Pulkrabek moved to recess into an Executive (Closed) Session with the Department of Transportation and Physical Development to discuss the acquisition of an office/warehouse property located in Oakdale. Commissioner Peterson seconded the motion and it was adopted unanimously. The Executive Session convened at 10:35 a.m. Present for the Executive Session were Commissioners Peterson, Pulkrabek, Kriesel, Orth, and Hegberg. Also present were Jim Schug, County Administrator, Molly O'Rourke, Deputy Administrator; Richard Hodsdon, Assistant County Attorney; Don Theisen, Director of Transportation and Physical Development, Sharon Price, Right of Way/Property Manager, Lowell Johnson, Director of Public Health and Environment, Kevin Corbid, Director of Property Records and Taxpayer Services, Todd Hanson, Vice President Industrial Brokerage, and Patricia Raddatz, Board Secretary.

The County Board reconvened at 11:48 a.m.

**ADJOURNMENT**

There being no further business to come before the Board, Commissioner Hegberg moved to adjourn, seconded by Commissioner Orth and it was adopted unanimously. The Board meeting adjourned at 11:48 a.m.

Gary Kriesel, Chair  
County Board

Attest:

James R. Schug  
County Administrator

