

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**JANUARY 12, 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, Peterson, Pulkrabek, Weik, and Kriesel. Absent none. Board Chair Pulkrabek presided. Also present were James Schug, County Administrator; George Kuprian, Assistant County Attorney; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Kay McAloney, Human Resources Director; Mjyke Nelson, Information Technology Director; Dan Papin, Community Services Director; Tom Adkins, Community Corrections Director; Sandy Hahn, Deputy Community Corrections Director; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Planning Manager; Dennis O'Donnell, Senior Planner; Lowell Johnson, Director of Public Health and Environment; Harley Will, Accounting and Finance Director; and Yvonne Klinnert, 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 December 15 and 22, 2009 County Board meeting minutes.
2. Approval to award contract for installation of fiber optic cabling to Access Communications.
3. Adoption of **Resolution No. 2010-007** as follows:

Joint Powers Agreement with City of Hugo  
for Kiosk Library Service

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

WHEREAS, Washington County and the City of Hugo wish to test a new model of library service using a kiosk and locker system placed in the Hugo City Hall.

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NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners hereby agrees to enter into a Joint Powers Agreement between the City of Hugo and the County of Washington for the operation of a library kiosk system in the Hugo City Hall; and

BE IT FURTHER RESOLVED, that the Washington County Administrator and the County Board Chair are hereby authorized to execute and sign the agreement, as necessary to complete the Joint Powers Agreement on behalf of Washington County.

4. Approval to enter into an agreement with the Minnesota Department of Human Services for the provision of the Child and Teen Checkup outreach program, and authorization for the County Administrator and County Board Chair to execute the agreement.
5. Approval of Supplemental Agreement #1 to the County Road 71 road construction project contract with Tower Asphalt, Inc.
6. Adoption of **Resolution No. 2010-008** as follows:

Final Payment on CSAH 20 Paving Project to  
McNamara Contracting, Inc.

WHEREAS, the Washington County Board of Commissioners, on August 4, 2009 approved a bid award to McNamara Contracting, Inc. and signed a contract with said company for bituminous reclamation and bituminous paving on County State Aid Highway (CSAH) 20 (70<sup>th</sup> Street South) from Oakgreen Avenue to CSAH 21 (St. Croix Trail) in Denmark Township; and

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

NOW, THEREFORE, BE IT RESOLVED, that McNamara Contracting, Inc. be paid in full for said contract work in the amount due indicated on the final payment voucher.

7. Approval to accept a donation from Lawrence J. Flaherty (retired deputy) of Mahtomedi, Minnesota, in the amount of \$75.00.
8. Adoption of **Resolution No. 2010-009** as follows:

Accept a Donation from the Estate of Margo Alice Forrest

WHEREAS, the late Margo Alice Forrest has included the Washington County Sheriff's Office as a beneficiary to receive "1/2 of all the rest of her estate," (less listed items of tangible person property of intrinsic value included in her Last Will and Testament), which is administered by Attorney James F. Lammers from the law firm Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P., as the Personal Representative of her estate and the Executor of her Last Will and Testament.

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WHEREAS, Sheriff William Hutton has recommended acceptance of this donation.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners accepts the donation in the amount of \$101,191.05 from the Margo Alice Forrest Estate.

The foregoing Consent Calendar was adopted 5-0 with a roll call vote as follows: Ayes, Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel; Nays, none.

### **PUBLIC HEARING – PUBLIC WORKS, SURVEY/LAND MANAGEMENT**

#### **Consider Amendments to the Washington County Floodplain Management Ordinance**

The Board Chair presented a brief overview of today's public hearing to consider amendments to the Washington County Floodplain Management Ordinance.

Dennis O'Donnell, Senior Planner, stated that the Federal Emergency Management Agency (FEMA) recently completed a Flood Insurance Study for Washington County and provided Washington County with updated Flood Insurance Rate Maps. In accordance with Federal Regulations, Washington County must adopt these new maps and update the county's Floodplain Management Ordinance by February 3, 2010. Failure to adopt the maps and ordinance by this date would prohibit residents from participating in the flood insurance program making them ineligible to purchase flood insurance. On September 22, 2009, staff updated the County Board on the Flood Insurance Study, provided examples of the updated Digital Flood Insurance Rate Maps, and discussed the amendments required to the Washington County Floodplain Management Ordinance. On December 15, 2009, the Planning Advisory Commission recommended approval of the ordinance. In December the draft ordinance was sent to the Minnesota Department of Natural Resources (DNR) for review and preliminary approval. The DNR is under contract with FEMA to review local floodplain ordinances to assure compliance with FEMA regulations. The DNR recently granted the county preliminary approval of the ordinance.

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

The Board Chair closed the public hearing at 9:15 a.m.

Commissioner Hegberg moved to adopt **Resolution No. 2010-010** as follows:

Resolution Amending the Washington County  
Development Code, Chapter Nine, Floodplain Regulations  
Ordinance No. 180

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WHEREAS, Washington County is authorized to carry on county planning and zoning activities in the unincorporated areas of the county pursuant to Minn. Stat. Chpt. 394; and

WHEREAS, the Washington County 2015 Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124 and was amended on March 6, 2002 to Washington County 2020 Comprehensive Plan; and

WHEREAS, Minn. Stat. § 473.865 requires counties to adopt the official controls described in their Comprehensive Plans so as to implement the Comprehensive Plan; and

WHEREAS, the Washington County Development Code was adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

WHEREAS, Washington County first adopted a floodplain ordinance in 1972, which was updated in 1990 and again in 1999 as a result of changes in Federal Emergency Management Agency (FEMA) regulations; and

WHEREAS, the Washington County Planning and Advisory Commission held a public hearing on December 15, 2009 to consider the proposal of county staff that the Washington County Development Code be amended to update the Floodplain Management Ordinance by adopting the new Flood Insurance Rate Maps provided by FEMA and incorporating required Federal provisions; and

WHEREAS, the Washington County Planning Advisory Commission recommended approval of the amendment; and

WHEREAS, on January 12, 2010, the Washington County Board of Commissioners, pursuant to a Notice of Intent to Amend the Washington County Development Code, conducted a public hearing on the request; and

WHEREAS, the proposed amendments to Chapter Nine Floodplain Regulations, Rate Maps adopts the updated Flood Insurance Rate Maps provided by FEMA and incorporates required Federal provisions; and

WHEREAS, the proposed amendments would be in conformance with the Washington County Comprehensive Plan, a Policy Guide to 2020 and the Washington County Development Code.

NOW, THEREFORE, BE IT RESOLVED that based upon the hearing record, the Washington County Board of Commissioners hereby adopts the proposed amendment to the Washington County Development Code as fully set forth in Exhibit A, which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, that the Washington County zoning Administrator is directed to make the changes set forth in the Washington County Development Code and from and after the effective date of Ordinance 180 cause the same to be published and codified according to law.

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Summary – Washington County Development Code  
Chapter Nine Floodplain Management Regulations  
Ordinance No. 180

Washington County first adopted a floodplain ordinance in 1972, which was updated in 1990 and again in 1999 as a result of changes in Federal Emergency Management Agency (FEMA) regulations. On January 12, 2010, at its public hearing, the Washington County Board of Commissioners passed Resolution No. 2010-010 adopting Ordinance No. 180, which will repeal in its entirety Chapter Nine Floodplain Regulations: Ordinance No. 138, replacing it with the revised Chapter Nine Floodplain Management Regulations as set forth in Exhibit A which is attached to the Resolution. Ordinance No. 180 updates the Floodplain Regulations by the adoption of the new Flood Insurance Rate maps provided by FEMA and the incorporation of required Federal provisions. In accordance with Federal regulations, Washington County was required to adopt these new maps and update the County Floodplain Ordinance by February 3, 2010, in order for County residents to participate in the flood insurance program that makes them eligible to purchase flood insurance. A brief summary of Chapter Nine Floodplain Management Regulations: Ordinance No. 180 is as follows:

Sections 1 and 2 address the *Intent and Purpose* of the Floodplain Ordinance and outline the *Scope and Applicability*. Section 2 states that the Ordinance applies to all lands within the unincorporated areas of Washington County shown as being within the floodplain in the maps and documents prepared by FEMA, adopted by reference and declared to be part of Ordinance No. 180 and kept on file in the office of the County Auditor and the County Zoning Administrator. Section 3 provides expanded *Definitions*. Section 4 describes the *Administration* of the Ordinance. Section 5 specifies the *Establishment of Floodplain District*, indicating that both the Floodway and General Floodplain shall be considered to be within the Floodplain District. Section 6 lists the *Primary Uses* allowed in the Floodway, as well as uses permitted with a Conditional Use permit in the General Floodplain, and the exceptions to these provisions.

Section 7 covers *Utilities, Railroads, Roads and Bridges in the Floodplain District*. Section 8 contains a lengthy description of *Standards for General Floodplain (Flood Fringe) Primary Uses and Conditional Uses*. Section 9 specifies the *Floodplain Evaluation Allowed Under This Ordinance*. Section 10 contains restrictions on *Subdivisions* in the General Floodplain District and a prohibition on subdivision of land where the site is determined to be unsuitable for reasons of flooding, inadequate drainage, water supply or sewage treatment facilities. The section also discusses FEMA's criteria for removal of Special Flood Hazard Area designation.

Section 11 discusses *Conditional Uses* allowed outside the Floodway areas of the Floodplain and lists 12 (twelve) factors to be considered and procedures to be followed by the Planning Commission before granting a Conditional Use Permit. The section also lists suggested conditions to be attached to the permit.

Section 12 discusses *Variances* and the general standards to be used by the Board of Adjustment. The section also specifies the additional variance criteria of FEMA that must be satisfied. Section 13 places limitations on

the reconstruction or alteration of *Nonconformities* and describes the circumstances under which the continuation of nonconforming structures or uses of a structure would be allowable.

Section 14 discusses that the *Enforcement* of the Ordinance shall be in accordance with Chapter One of the Washington County Development Code and that violations of the Ordinance constitute a misdemeanor. The final section is Section 15 which specifies that all *Amendments* shall be approved by the Commissioner of Natural Resources prior to adoption and that changes to the Floodplain Map must receive prior FEMA approval.

The foregoing is intended only as a summary of the Washington County Development Code Chapter Nine Floodplain Management Regulations; Ordinance No. 180. A printed copy of this complete Ordinance as well as a list of the differences between this Ordinance and Ordinance No. 138 is available at the Washington County Division of Survey and Land Management, as well as the Washington County Auditor-Treasurer's. Ordinance No. 180 can also be found at the following website: [http://www.co.washington.mn.us/info\\_for\\_residents/board\\_of\\_commissioners/ordinances](http://www.co.washington.mn.us/info_for_residents/board_of_commissioners/ordinances)

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

### **COMMUNITY CORRECTIONS**

Commissioner Peterson moved to approve the 2010-2011 Community Corrections Comprehensive Plan. Commissioner Kriesel seconded the motion and it was adopted unanimously.

### **GENERAL ADMINISTRATION**

Jim Schug, County Administrator, reported that last Tuesday, following the County Board meeting, a number of county representatives had the privilege of attending and participating in the Governor's Yellow Ribbon Summit at Century College. The summit agenda included reports on the history and importance of the Beyond the Yellow Ribbon initiative of the Minnesota National Guard. Following that, there were presentations by cities, counties, area businesses, and churches all who shared their experience in building Yellow Ribbon Communities that offer support and assistance to soldiers and their families while the soldiers are preparing for deployment, during their deployment, and also upon their return to their families and community. Governor Tim Pawlenty presented multiple proclamations to Yellow Ribbon Communities, including Washington County, cities including Stillwater, Hugo and Woodbury, and area business and Yellow Ribbon Churches and faith-based organizations. The Board Secretary read into the record the State of Minnesota Proclamation proclaiming Washington County a Yellow Ribbon County.

Commissioner Certificates were presented to the following: District 1: Mary George, Chair of the City of Mahtomedi Yellow Ribbon City Program; Chuck Haas, City of Hugo Co-Chair; District 2: Al

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Mitchell, Veterans Rest Camp, Lori Ahlness, Veterans Rest Camp, Jennifer Pelletier, City of Lake Elmo Co-Chair; Paul Ryberg, City of Lake Elmo Co-Chair; District 3: Mike Polehna, City of Stillwater Chair; District 4: 2<sup>nd</sup> Lt. James Norton, Minnesota National Guard; Lt. Col Barbara O'Reilly, Minnesota National Guard; District 5: Darrin Ewing, City of Woodbury Chair; and Mike Hughes, City of Woodbury Vice Chair.

### **COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Hegberg reported that he met with the Department of Natural Resources to discuss Judicial Ditch 2. He did make comments to them about the price of land for road projects along a wildlife management area. He attended the Minnesota Counties Intergovernmental Trust meeting where they discussed the large number of Law Enforcement claims.

Commissioner Peterson reported that there will be a Yellow Ribbon meeting on Saturday in Woodbury for elected women officials.

Commissioner Kriesel reported on the Metropolitan Energy Policy Coalition meeting with Commissioner Weik. A presentation was made by Xcel Energy on natural gas supplies and it appears there is a domestic reserve for 100 years. They also discussed legislative priorities for the Metropolitan Energy Policy Coalition and that the coalition itself couldn't pass resolutions or support issues without those first being brought back to the various county boards. Last Saturday the Veterans Rest Camp Board met and prepared their 2010 budget.

Commissioner Weik reported that the Metropolitan Energy Policy Coalition (MEPC) will send formal letters to county board chairs asking them to support the policy decisions of other entities in the Twin Cities such as the Solid Waste Management Coordinating Board. There were several legislative initiatives that MEPC discussed in detail, but there were a few they highlighted including a repeal of the statewide ban on new nuclear energy facilities. This item will be discussed further at next month's meeting. MEPC also supports solid waste as a renewable fuel. She also attended the Metropolitan Mosquito Control District which held their organizational meeting which is set by State law. John Kaul presented a brief legislative update. The Minnesota Safety Council visited with Metropolitan Mosquito Control District and they will be looking at better accident investigations and be more thorough. She congratulated Jim Stark as the new director of the North Central Region. He will be attending a conference in Lexington, Kentucky at the end of March. She stated that Mr. Stark felt there should not be any conflict with his duties as Executive Director of the Metropolitan Mosquito Control District and his new position. Commissioner Weik reported on her first meeting of the Association of Minnesota Counties (AMC) Board of Directors which met last Friday. At the annual meeting Clay County Commissioner Jon Evert was named the new AMC President. They discussed a lot of material in detail.

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The AMC Redesign is still going to be brought to the legislature, but this will be a short legislative session, a lot of people running for Governor, so they narrowed it down to four or five main initiatives they want to move forward to the legislature. There was a lot of discussion on the unallotment litigation that is going on. As far as future AMC Board of Directors reports, she will work with Commissioner Peterson to see how much detail she should be reporting back to the Board in this format. She has the County Insight taping this afternoon and she may attend the Woodbury City Council meeting on Wednesday as they will be discussing the Board of Soil and Water Conservation issue on their agenda.

Commissioner Pulkrabek stated he will be attending the I-94 Corridor Commission meeting this week.

### **BOARD CORRESPONDENCE**

Board correspondence was received and placed on file.

### **EXECUTIVE (CLOSED) SESSION WITH PUBLIC WORKS**

The Board met in Executive Session with the Public Works Department at 10:15 a.m. to discuss the possible purchase of 2222 Maxwell Avenue (known as the Knox Site) in the City of Newport for a potential transit site. Present for the Executive Session were Commissioners Pulkrabek, Hegberg, Peterson and Kriesel. Also present were Jim Schug, Don Theisen, Wayne Sandberg, Ted Schoenecker, Doug Johnson, Jim Zuleger, and Patricia Raddatz.

The Board reconvened at 11:00 a.m.

### **ADJOURNMENT**

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

### **BOARD WORKSHOP WITH COMMUNITY SERVICES**

The Board met in workshop session with the Community Services Department to discuss the 2011-2014 Consolidated Plan priorities for Community Development Block Grant (CDBG) and Home Investment Partnership Program funds. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Peterson, Pulkrabek, Weik, and Kriesel. Also present were Jim Schug, Dan Papin, Mary Farmer-Kubler, Diane Elias, and the following members from the CDBG Committee: Dave Newman, Carol Banister, and Nancy Utoft.

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**BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION**

The Board met in workshop session with the Office of Administration to discuss Commissioner committee assignments for 2010. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Peterson, Pulkrabek, Weik, and Kriesel. Also present were Jim Schug, Lowell Johnson, and Dan Papin.

Bill Pulkrabek, Chair  
County Board

Attest:

James R. Schug  
County Administrator

