

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
FEBRUARY 28, 2006**

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, Kriesel, Stafford, and Hegberg. Commissioner Pulkrabek absent. Board Vice Chair Kriesel presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Kevin Corbid, Director of Assessment, Taxpayer Services and Elections; Bogdan Filipescu, Assessment, Taxpayer Services and Elections; Rebecca Ault, Assessment, Taxpayer Services and Elections; Don Theisen, Director of Transportation and Physical Development; Keith Potter, Facilities Manager; Sharon Price, Property Manager; Ann Pung-Terwedo, Senior Planner; Tom Adkins, Community Corrections Director; Dan Papin, Community Services Director; Patrick Singel, Community Services Division Manager; Judy Hunter, Senior Program Manager; Cindy Weckwerth, Program Manager; Jeff Travis, Program Manager; Edison Vizuite, Financial Services Director; Kathy Trombly-Ferrin, Financial Services Supervisor; Nancy Brase, Administrative Services Manager; Melinda Kirk, Budget/Financial Analyst; Jane Harper, Principal Planner; 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 audience; none were heard.

CONSENT CALENDAR

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

1. Approval of the February 14 and 21, 2006 Board meeting minutes.
2. Approval to renew the agency contract with Multi Systemic Therapy (MST), a juvenile placement alternative intensive in-home therapy program.
3. Approval of sixth amendment to contract #1875 with East Suburban Resources to provide training services to Dislocated Worker program participants from January 1, 2006 to December 31, 2006.
4. Approval of contract with Community Volunteer Service and Senior Centers for placement of Minnesota Family Investment Program participants in volunteer jobs for the period January 1, 2006 to December 31, 2006.

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5. Approval of first amendment to contract #3092 with East Suburban Resources to provide training and job placement services for Diversionary Work Program and Minnesota Family Investment Program participants from January 1, 2006 to December 31, 2006.
6. Approval to amend Policy No. 2803 by establishing Fund 129 entitled Help America Vote Act to account for the revenues, expenditures, interest income, assets and liabilities resulting from the county's acceptance of this grant.
7. Approval to close two dormant bank accounts separately held at Anchor Bank (Woodbury branch) and Lake Area Bank (Forest Lake branch) because of no activity for over eighteen months.
8. Approval of contract with Dakota County for boarding inmates/detainees at the Washington County Jail.
9. Approval of lease agreements for properties located within Washington County Parks as follows: Andrew and Bobbi Kimball, 10301 St. Croix Trail South, Hastings; Wallace and Dorothy Carlson, 16150 May Avenue, Marine; Gladys Gilbertson, 18002 Margo Avenue, Marine; and, Cassandra Sawacke, 9941 Stillwater Boulevard, Lake Elmo.
10. Approval to set a public hearing to consider the rezoning/comprehensive plan amendment request submitted by Holiday Stationstores, Inc. in West Lakeland Township for April 4, 2006 at 7:00 p.m.

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

ASSESSMENT, TAXPAYER SERVICES AND ELECTIONS

Commissioner Peterson moved to adopt **Resolution No. 2006-029** as follows:

Approving the Reclassification and Sale of
Parcel R33.030.20.44.0012

WHEREAS, the County Board of Commissioners of the County of Washington, State of Minnesota, desires to offer for sale the above parcel of land that forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, said parcel has been reviewed by the designees of the County Board of Commissioners and has been recommended for classification as non-conservation land as provided for in Minnesota Statutes 2802.01.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby certify that the above parcel has been reviewed and complies with the provisions of Minnesota Statutes 85.012, 92.461, 282.01, and 282.018, and other statutes that require withholding of tax forfeited land from sale or conveyance.

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby classifies this parcel as non-conservation land.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby requests approval of this classification and sale from the Minnesota Department of Natural Resources and the City of Stillwater.

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

TRANSPORTATION AND PHYSICAL DEVELOPMENT

Keith Potter, Facilities Manager, presented an overview of the Household Hazardous Waste collection facility. He noted that the lease for the current facility in the City of Oakdale will not be renewed and will close on December 1, 2008. Therefore, a new facility will need to be identified. Bids were received for consulting architectural services for the Household Hazardous Waste facility as follows:

TKDA	\$89,966
Hagen, Christensen & Mcilwain Architects	\$84,000
Oertel Architects	\$61,485

Commissioner Peterson moved to approve and execute a contract with Oertel Architects for consulting architectural services for the Household Hazardous Waste Facility. Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent.

Commissioner Peterson would like to have an educational aspect to the new facility and maybe partner with the schools. She believes that how they deal with hazardous waste will be a concern into the future. Perhaps the site design could include a classroom facility. She stated that has received more phone calls on the closing of the Oakdale Hazardous Waste Facility than any other issue.

Commissioner Peterson asked that a press release be written and possibly an article be included in the Staying in Touch Newsletter about the new facility and that the old facility will not close until December 1, 2008.

GENERAL ADMINISTRATION

Jane Harper, Principal Planner, reviewed ballot language related to the proposed 2006 land protection ballot referendum. She indicated that new language has been prepared and presented at the Board table this morning. She indicated that staff is asking for direction on two issues. One is the funding strategy of using bonds rather than to use an annual operating levy. The other question is the actual language.

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Commissioner Peterson asked about the last sentence in the revised language that reads: “protecting land along the St. Croix and Mississippi rivers from development?” She is concerned that there are parcels of land on Big Marine Lake that she would like to be protected from development. When she reads this, it sounds as though the county is only going to look at the two rivers and it would not include any lakes. She would prefer the words “water bodies” leaving it more open.

Commissioner Kriesel indicated that a lot of this was tied into the survey that was conducted.

Mr. Schug stated in the shorter version they did put “purchasing parklands” which they felt would address the issue of Big Marine. At the recommendation of the Trust for Public Land, they clarified it further by adding the reference of “water quality of rivers, lakes and streams”. The Trust for Public Land didn’t feel that in their polling that the term “shorelands” was well understood by people and strongly recommended going with the more specific “rivers, lakes and streams”. Commissioner Kriesel had raised the issue that there may be parcels along the St. Croix River that might meet that test of protection and once the St. Croix was added he felt that the Mississippi should also be included.

Cordelia Pierson, Trust for Public Land, stated they didn’t specifically address the word “water bodies” but rivers, lakes and streams are the water bodies that people identify with. Perhaps by saying “protecting water quality of rivers, lakes and streams”, Commissioner Peterson’s concerns are addressed, and that the St. Croix and Mississippi Rivers brings it to life for people living in the county who have visual ideas of what those rivers are. She feels that by having both of those in there is helpful.

Ms. Harper stated what she hears Commissioner Peterson saying is to leave “rivers, lakes and streams” up above, but to replace “St. Croix and Mississippi Rivers” with a more generic reference to water bodies.

Commissioner Stafford stated “water bodies” is fine with him. He had a concern about the phrase “willing sellers”. The county has been advised by bond counsel that it could create a problem. He asked to strike the words “from willing sellers”. Also, he would like to strike “while seeking matching funds for these purposes”.

Commissioner Hegberg disagreed with Commissioner Stafford about the “willing seller” phrase. In this case they are just trying to protect certain areas.

George Kuprian, Assistant County Attorney, stated that from a legal perspective this referendum is merely to sell bonds and not to implement the plan. The language proposed was to make it more palatable. But if you include some of that language it may tie the Board’s hands later on. The Plan itself doesn’t need to go to referendum, it’s only the bond issue.

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Ms. Harper asked if the consensus was to not include “from willing sellers”. She then asked about the phrase “while seeking matching funds for these purposes”. Bond counsel was concerned and felt that was a condition that could be misinterpreted. In the offering statement for the bonds they would explain the program, but there was concern that it might influence the ability to sell the bonds and the actual rate they would get. It might be interpreted that the county would be relying on getting the matching funds in order to make the debt payments on the bond issue.

Commissioner Peterson moved to approve the substitute clean version of the ballot referendum language presented this morning with the removal of “protecting land along the St. Croix and Mississippi rivers” and replacing it with “protecting land along water bodies from development”. Commissioner Hegberg seconded the motion.

Commissioner Stafford is concerned that not having the phrases “reviewed by a citizens’ advisory committee” and “with spending subject to an annual audit” will not maintain a high level of citizen enthusiasm for this effort. Without those two phrases, based on the survey, they would probably lose a lot of support. That’s why he is in favor of the second ballot distributed this morning with “from willing sellers”, and “St. Croix and Mississippi Rivers” stricken and the word “water bodies” added.

Commissioner Peterson stated as the maker of the motion she would agree with those two friendly amendments, adding “reviewed by a citizens’ advisory committee” and, “with spending subject to an annual audit” to the substitute language. Commissioner Hegberg also agreed.

Ms. Pierson stated that including the two accountability measures is helpful and will help voters understand what the Board ordinarily does in its practice. She did encourage the Board to consider the St. Croix and Mississippi Rivers because they are specific places that people do connect with and it is helpful also since you have the water bodies explicitly referred to earlier, rivers, lakes and streams, to reconsider having the St. Croix and Mississippi Rivers in there.

Commissioner Kriesel stated he does agree with Ms. Pierson’s statements regarding the St. Croix and Mississippi Rivers. It does lend connection to the voters and it doesn’t necessarily mean it’s a priority.

Commissioner Stafford stated that he and Commissioner Peterson had the same reaction, it looked like that was the main thrust of the project. If you could reword it to include them in there and make it look like it’s a global issue, fine. But the bulk of the voting strength in this county is up in the flat lands, Cottage Grove, Woodbury, Oakdale, and Forest Lake. They are sensitive to the Mississippi and St. Croix, but it is not as high on their radar as it is in Stillwater. The Board needs to look at what the majority of the voters would be concerned about, that’s why he thought water bodies that Commissioner Peterson proposed is inclusive enough.

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Ms. Harper stated she agrees that it does create some visualization to the ballot question. There will be a public education campaign that a lot of things can be emphasized in that campaign. In the program to date they have not done much along those rivers because the land values are so high. So to emphasize that over other areas might also be misleading. The county is more likely to spend the money in other areas.

Commissioner Peterson stated that the St. Croix and Mississippi Rivers can be highlighted when the marketing material is done for the bond issue. This is a question that is on the ballot and the issue she wants to be strong about is whatever they put on that ballot people are going to say that is going to be the county focus. It can be done in the marketing material but not on the ballot.

Commissioner Hegberg stated he didn't know that it was decided to go to a bond issue versus \$12 or \$15 dollars an improved lot. Ms. Harper stated that is why that question is before the Board, making sure there is a consensus on that. There is both the consensus on the language and are bonds the route the Board wants to take or use an annual operating levy?

Commissioner Hegberg stated his feelings would be to go to \$12 per \$100,000 and that would be the maximum and it would be \$24 on \$200,000. It would be an improved lot. The people with open space would have to pay on a general bond issue where improved lots it would be improved houses. People who have open space currently they feel they are paying for the open space.

Ms. Harper stated that since the last attempt in 2000, there has been state legislation that would exempt agricultural land from referendum tax. She understands that what is proposed is an ad valorem tax based on market value across all types of properties except for the seasonal residence and farm land. She does not believe the county could legally decide which properties the referendum tax could be applied to.

Kevin Corbid, Director of Assessment, Taxpayer Services and Elections, stated if it is a referendum market value levy, the large difference is that the agricultural land does not pay on those and it's a percentage of the value of seasonal recreational property. Those are the two differences compared to the past.

Commissioner Hegberg does not see where it says that in the sample. Ms. Harper asked if he would like that to be in the impact statement below the ballot question. Commissioner Hegberg stated that is correct.

Ms. Harper stated she will work with the attorney and the Department of Assessment, Taxpayer Services and Elections to make sure they get the language correct to clarify the lands that this would apply to.

The amended motion to approve the language for a referendum to raise funds for land protection activities reads as follows:

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“Shall Washington County be authorized to issue general obligation bonds in one or more issues in an amount not to exceed \$20,000,000 to acquire and improve land and interests in land, for the purposes of improving water quality of rivers, lakes and streams; protecting drinking water sources; purchasing parklands; preserving wetlands and woodlands; and protecting land along water bodies from development, with spending reviewed by a citizen’s advisory committee and subject to an annual audit?”

Said motion was adopted unanimously; Commissioner Pulkrabek absent.

Ms. Harper stated the next question is whether the Board wants to go to the voters or if it would prefer an annual operating levy to fund the program.

Commissioner Stafford moved that the Washington County land protection program seek voter approval to sell bonds. Commissioner Peterson seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent.

Ms. Harper clarified that the next step would be to bring this back as a resolution and have the County Board adopt the language in the next week or two.

Commissioner Peterson stated she will be anxious to see what the legislature does about the 7/16 of whatever amount sales tax increase for the environment. If that passes, the Board may want to look at this again.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Hegberg reported on the Forest Lake City council meeting where they approved the conditional use permit for the transportation area and also for the northern government center. He also attended the Extension program at the University of Minnesota.

Commissioner Stafford requested a quick ten minute workshop for an update on the AMC futures task force which is working on streamlining government. He also discussed an incident that appeared on KSTP news regarding a house fire. The resident called 911 on his cell phone and was directed to a service in Canada. Before the call got back to the local phone system the house burned to the ground. If he had used a land line phone and dialed 911 the dispatchers would have had his name, address and location. Commissioner Stafford suggested that an article be written alerting people with cell phones to make sure they are properly identified in an emergency.

Commissioner Peterson urged the Commissioners to attend a Transportation Alliance rally at the Capital on Monday, March 13 at 10:00 a.m.

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BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

EXECUTIVE (CLOSED) SESSION WITH TRANSPORTATION AND PHYSICAL DEVELOPMENT

Commissioner Hegberg moved to recess into executive session with Transportation and Physical Development to discuss right of way acquisition proposed settlement options of compensation and damages for: US Homes Parcels pertaining to the re-alignment of CSAH 13; CSAH 8, Church of St. John Baptist parcel; and Big Marine Park Reserve, Shady Birch Acquisition appeal. Commissioner Peterson seconded the motion and it was adopted unanimously; Commissioner Pulkrabek absent. The Board went into Executive Session at 10:12 a.m. Present for the executive session were Commissioners Peterson, Kriesel, Stafford, and Hegberg. Also present were Jim Schug, Molly O'Rourke, Doug Johnson, Richard Hodsdon, Don Theisen, Sandy Cullen, Jim Luger, Sharon Price, and Patricia Raddatz.

The Board reconvened at 11:15 a.m.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Hegberg moved to adjourn, seconded by Commissioner Peterson and it was adopted unanimously; Commissioner Pulkrabek absent. The Board meeting adjourned at 11:15 a.m.

Gary Kriesel, Vice Chair
County Board

Attest:

James R. Schug
County Administrator