

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
NOVEMBER 18, 2008**

Prior to the County Board meeting, the Honorable Judge Elizabeth Martin administered the Oath of Office to the newly elected Commissioner from District 5, Lisa Weik.

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, Hegberg, Weik, and Kriesel. Absent none. Board Chair Hegberg presided. Also present were James R. Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Steve Gransee, Property Records and Taxpayer Services Division Manager; Lowell Johnson, Director of Public Health and Environment; Sue Hedlund, Deputy Public Health and Environment Director; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Tom Adkins, Community Corrections Director; Harley Will, Financial Services Director; Dan Papin, Community Services Director; Robert Crawford, Workforce Center Division Manager; Mjyke Nelson, Information Technology Director; Patricia Conley, Library Director; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Manager; John Elholm, Parks Director; Keith Potter, Facilities Manager; and Maggie Aitkens, Public Information Coordinator.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

The Board Chair asked for comments from the public; none were heard.

RECOGNITION FOR RETIRING COMMISSIONER R.H. STAFFORD

Commissioner Hegberg moved to adopt **Resolution No. 2008-144** as follows:

Resolution of Appreciation
Commissioner R. H. "Dick" Stafford
Washington County Commissioner, District 5

WHEREAS, Commissioner R. H. "Dick" Stafford generously agreed to return from retirement to serve as the interim Washington County Commissioner of District 5 completing the term of office of former Commissioner Greg Orth, who died in an accident in January 2008; and

WHEREAS, Commissioner Stafford decided not to run for office and to retire after the 2008 General Election in which a successor would be elected; and

WHEREAS, the vacant seat has been filled by the election and Commissioner Stafford has now retired again as the Commissioner of District 5 in addition to

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his retirement in 1998 following his career of public service that began in 1974 as the Washington County Treasurer and later as the Auditor-Treasurer when the departments were merged; and

WHEREAS, Commissioner Stafford has always listened to all and given fair consideration to the opinions and positions of citizens and fellow County Board members on many issues for the betterment of Washington County and he has been a leading example of a citizen giving back to the community.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby commends Commissioner R. H. "Dick" Stafford for his long-time service to the citizens of Washington County during his 34 years in office; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby expresses its gratitude for Commissioner Stafford's willingness to serve as the interim Commissioner of District 5, and once again, extends its best wishes and congratulations to Commissioner Stafford for a happy and healthy retirement.

Commissioner Peterson seconded the motion and it was adopted unanimously.

CONSENT CALENDAR

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

1. Approval of the October 28 and November 4, 2008 Board meeting minutes.
2. Approval of the Theft and Misuse Policy to bring county administrative policies into compliance with statutory requirements.
3. Approval to amend Contract #4808 with BI Monitoring, Inc. for a term of November 20, 2007 through December 31, 2008 and a cost up to and not exceeding \$36,000.
4. Approval of contract amendment number two for Contract #4110 with Employment Action program to modify the budget and length of the project with EAC and the Andersen Dislocated Worker Project.
5. Approval of contract amendment number two for Contract #4105 with Workforce Resource to modify the budget, number of participants served by Workforce Resource, and length of project with the Andersen Dislocated Worker Project.

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6. Approval of contract amendment number two for Contract #4106 with HIRED, Inc. to modify the budget, number of participants served by HIRED, and the length of project with the Andersen Dislocated Worker Project.
7. Approval of Amendment #2 to the 2008-2011 contract with Haven Chemical Health Systems, LLC to add out-patient chemical dependency treatment services for adult women at their Scandia site, Rebecca's Residence.
8. Adoption of **Resolution No. 2008-145** as follows:

Donation of the Washington County Library's Hot Air Balloon
Basket to the Farnsworth Aerospace Elementary School

WHEREAS, Minn. Stat. section 471.85 gives the Washington County Board of Commissioners the authority to transfer property to another public corporation for public use; and

WHEREAS, the Washington County Library owns a hot air balloon basket donated by the Stillwater Hot Air Balloon Company and the First National Bank in Woodbury to the Washington County Library for display in the Children's Room at R. H. Stafford Branch, Woodbury, MN; and

WHEREAS, increased library use in the children's room has led to the need to remove the balloon basket in order to create more space in the children's room; and

WHEREAS, the county wishes to have the balloon basket donated for continued educational purposes.

THEREFORE, BE IT RESOLVED, that Washington County Board of Commissioners authorizes the donation of the hot air balloon basket currently owned by the Washington County Library to the Farnsworth Aerospace Elementary School, 1290 Arcade Street, Saint Paul, Minnesota 55106.

9. Approval of comments on the cities of Scandia and Cottage Grove Draft Comprehensive Plans.
10. Approval to enter into cooperative agreement with the Township of Grey Cloud Island providing for the sale of a county-owned truck.
11. Adoption of **Resolution No. 2008-146** as follows:

Trunk Highway 95 Detour Agreement with the
Minnesota Department of Transportation

IT IS RESOLVED that Washington County enter into MN/DOT Agreement No. 92511 with the State of Minnesota Department of Transportation for the following purposes:

To provide for payment by the State to the county for the use of County State Aid Highway No. 3 (Olinda Avenue) as a detour route during the infiltration basin construction and other associated construction to be performed upon, along and adjacent to Trunk Highway No. 95 from County State Aid Highway No. 86 (Panola Drive North) in Chisago County to Trunk Highway No. 97 (Scandia Trail North) in Washington County in accordance with State plans, specifications and special provisions designated as State Project No. 8210-94 (T.H.= 95).

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

- 12. Approval of contract to award Division 27B Elevator Modernization to Minnesota Elevator, Inc. for \$145,230 to modernize two hydraulic passenger elevators located in the Law Enforcement Center.
- 13. Approval of Washington County/City of Cottage Grove Cooperative Agreement for CSAH 22 and Hardwood Avenue traffic signal construction cost reimbursement and maintenance.
- 14. Approval of maintenance agreement between Washington County and Grey Cloud Island Township for the performance of winter maintenance, including snow and ice removal of County Road 75, located in the Township.
- 15. Bids were received for lease of agricultural land in county parks as follows:

| Bidder | Lake Elmo Regional Park Reserve (248 acres) | St. Croix Bluffs Regional Park (133.5 acres) |
|-------------------|--|---|
| Gillis Farm, Inc. | -- | \$137.80 |
| Terry Herman | \$136.20 | \$155.20 |
| Craig Meyer | -- | \$125.00 |
| John See | \$132.60 | \$132.60 |
| Vermillion Acres | \$135.00 | \$155.00 |
| Gordon Tank | \$141.00 | \$162.00 |
| Joe O'Malley | \$145.50 | \$161.50 |

Adoption of **Resolution No. 2008-147** as follows:

Award of Parks Farm Land Leases for 2009

WHEREAS, in order to facilitate the leasing of agricultural land in county parks, the county solicited bids for the use of this land; and

WHEREAS, bids were opened on October 28, 2008 with highest bidder being Joe O'Malley for Lake Elmo Park Reserve and Gordon Tank for St. Croix Bluffs Regional Park; and

NOW, THEREFORE, BE IT RESOLVED, that the bids of Joe O'Malley and Gordon Tank be accepted and the county enter into a lease agreement with these bidders for the respective parcels of land noted previously in this

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resolution under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the leases between the county and Joe O'Malley and Gordon Tank be executed through the signatures of the Chair of the Washington County Board of Commissioners and County Administrator without further action of the County Board and conditioned upon compliance with all bid specification requirements and approval as to form by the Washington County Attorney's Office.

16. Approval and execution of licenses for the Star Trail Association to operate snowmobiles and to build and maintain trails within the parameters of Cottage Grove Ravine Regional Park, Lake Elmo Park Reserve, and the Hardwood Creek Regional Trail corridor.

The foregoing Consent Calendar was adopted unanimously.

PROPERTY RECORDS AND TAXPAYER SERVICES

Classification as Non-Conservation & Sale or Conveyance of 10 Tax-Forfeited Parcels

Commissioner Pulkrabek moved to adopt **Resolution No. 2008-148** as follows:

Resolution Approving the Classification of 10 Parcels as Non-Conservation Land

WHEREAS, the County Board of Commissioners of the County of Washington, State of Minnesota, desires to offer for sale or conveyance, 10 parcels that forfeited to the State of Minnesota for non-payment of taxes; and

WHEREAS, the parcels have 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 282.01.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby certifies that these 10 parcels have been reviewed and comply with the provisions of Minnesota Statutes 85.012, 94.461, 282.01, and 282.018, or other statutes that require withholding of tax forfeited land from sale or conveyance; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby classifies these ten (10) parcels as non-conservation land; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby requests approval from the Minnesota Department of Natural Resources and various Municipalities for the classification and sale of conveyance of said land.

| <u>Municipality</u> | <u>GEOCODE</u> |
|---------------------|-------------------|
| Cottage Grove | 19.027.21.44.0003 |
| Dellwood | 05.030.21.32.0002 |

| <u>Municipality</u> | <u>GEOCODE</u> |
|---------------------|-------------------|
| Forest Lake | 07.032.21.32.0092 |
| Forest Lake | 07.032.21.33.0040 |
| Lake Elmo | 02.029.21.12.0001 |
| Oakdale | 07.029.21.24.0128 |
| Oakdale | 20.029.21.44.0020 |
| Stillwater Township | 09.030.20.11.0002 |
| Stillwater Township | 09.030.20.12.0002 |
| Woodbury | 05.028.21.44.0001 |

Commissioner Peterson seconded the motion and it was adopted unanimously.

Repurchase of Tax Forfeited Land by Former Owner

Commissioner Peterson moved to adopt **Resolution No. 2008-149** as follows:

Resolution Recommending Approval of Repurchase of
Tax Forfeited Property by Former Owner

WHEREAS, the tax parcel identified as PID #12.027.22.23.0034 forfeited to the State of Minnesota on July 11, 2008 for nonpayment of property taxes due in 2002, and

WHEREAS, the former owner has submitted an Application for Repurchase of Tax Forfeited Lands as in accordance with M. S. 282.241, and

WHEREAS, a check has been received for the sum of all delinquent and current taxes and assessments together with penalties, interest, and costs that have accrued or would have accrued if the parcel had not forfeited to the state, and

WHEREAS, the subject property was applicant's homestead, and, if repurchase is not allowed applicant could essentially become homeless; and

WHEREAS, the subject property contains a workshop enabling applicant to supplement his income; and

WHEREAS, applicant is in the process of obtaining a reverse mortgage which will enable him to keep property taxes current; and

WHEREAS, permitting the repurchase will promote the use of the land that will best serve the public interest; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners finds an undue hardship has resulted from the tax forfeiture which would be corrected by the repurchase and that the repurchase will serve the public interest.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby approves the repurchase by the former owner of parcel #12.027.22.23.0034.

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Parcel ID #: 12.027.22.23.0034
 Repurchase Price: \$20,299.39
 Entity Requesting Repurchase of Parcel: Kenneth E. Weber

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

PUBLIC HEALTH AND ENVIRONMENT

Commissioner Weik moved to adopt **Resolution No. 2008-150** as follows:

Resolution to Appoint a Hearing Examiner for Formal Board Hearing
 in the Matter of a Solid Waste Hauler License Suspension for
 Dan Theobald, d/b/a Dan's Container Services, Ltd.

WHEREAS, Administrative Ordinance No. 149, Section 8.2, provides authority for the Department of Public Health and Environment to suspend operating licenses for violation of ordinances which govern Solid Waste Management activities, and

WHEREAS, the Department of Public Health and Environment has served Notice of License Suspension for violation of Solid Waste Management Ordinance No. 114, upon Mr. Dan Theobald, of Dan's Container Services, Ltd., on or about June 20, 2008, and

WHEREAS, Washington County Administrative Ordinance No. 149, Section 10.2, provides for an Administrative Hearing Process for any person to appeal a license suspension, and

WHEREAS, Mr. Theobald requested and received an Administrative Hearing conducted by the Department of Public Health and Environment on August 28, 2008, and

WHEREAS, Director of Public Health and Environment Lowell Johnson, as Hearing Officer for the Administrative Hearing, upheld the Suspension of the Solid Waste license, in a ruling issued on September 17, 2008, and

WHEREAS, Administrative Ordinance No. 149, Section 10.3, provides an appeal to the decision rendered by the Department, and

WHEREAS, under Section 10.3 (3), the County Board may appoint an individual and/or hearing panel to serve as the hearing examiner and make recommendations to the County Board in this matter, and

WHEREAS, the Administrative Ordinance provides that the County Board may choose to allow a hearing de novo.

NOW THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners does hereby establish that the matter of a Solid Waste License suspension appeal as requested by Mr. Dan Theobald, be heard by a qualified Administrative Law Judge designated to act as Hearing Examiner on behalf of the County Board, and

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BE IT FURTHER RESOLVED, that the County Board of Commissioners hereby approves the request by Mr. Theobald to conduct the hearing as a Hearing de novo, and to submit to the County Board its findings, conclusions and recommendations within the timeframe set forth in the Administrative Ordinance.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

Recount in the Minnesota Senate Race

Kevin Corbid, Director of Property Records and Taxpayer Services, reviewed the Election Day turnout and presented an update on the process for the recount in the Minnesota Senate Race.

December 9, 2008 Board Meeting

Jim Schug, County Administrator, announced that three of the Commissioners will be attending the Association of Minnesota Counties Annual Conference on December 7-10 in Duluth, Minnesota. He recommended that the December 9 County Board meeting be canceled because there will not be a quorum.

Commissioner Peterson moved to cancel the December 9, 2008 County Board meeting. Commissioner Weik seconded the motion and it was adopted unanimously.

Counties Transit Improvement Board Meeting

Mr. Schug advised the Board that the Counties Transit Improvement Board meeting will be held at the Minneapolis Park Board Administrative Offices, 2117 West River Road, Minneapolis. Directions are available to those Commissioners who plan to attend.

Minnesota Counties Insurance Trust

Mr. Schug announced that the county has received its dividend check from the Minnesota Counties Insurance Trust (MCIT) in the amount \$373,810 which has been deposited in the Post Employment Retirement fund.

Commissioner Hegberg noted that MCIT has had substantial losses in Law Enforcement Centers across the state concerning searches and other issues. None have occurred in Washington County. They will be stepping up their involvement with the Sheriff's Association to try and alleviate those losses.

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Election Congratulations

Mr. Schug congratulated Commissioner Weik on her election this past November 4, and extended his congratulations to Commissioner Kriesel and Commissioner Hegberg on their re-election.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Peterson reported that Commissioner Weik, Ramsey County Commissioner McDonough and herself met with the Olmsted County Board about how to establish a Regional Rail Authority. They are anxious to get involved in high-speed rail. She attended a Wakota Bridge meeting last week. It was reported in the paper that there was a settlement with the designers of the Wakota Bridge for \$20 million. She hopes this will be an incentive to complete the bridge faster. Yesterday she testified at the Capitol on the 2030 Transportation Plan. She also noted the passing of Irv Anderson, former Minnesota Speaker of the House. He passed away yesterday morning.

Commissioner Pulkrabek reported that the canvassing board met on November 7. Last week he attended a couple of Veteran's Day events; one at the City of Woodbury City Hall and one in Lake Elmo at the VFW park off of Highway 5. He also attended the Oakdale-Lake Elmo Prayer Breakfast, which is the first one they have had.

Commissioner Kriesel reported on semiunion training he attended with Sheriff Hutton in Ramsey County. He was impressed with the Commanders and Deputy that were there: Commander Cheri Dexter, Commander Dan Starry, and Officer Pete Godfrey. He reported on the ribbon cutting ceremony held last week for Manning Avenue. He reported the passing of Ann Bodlovick, a long time Stillwater Councilwoman. She was a remarkable person and always for the little guy.

Commissioner Weik thanked Commissioner Dick Stafford for his many years of dedicated service to Washington County. He has met with her to discuss the transition and has offered help as may be requested. She appreciated meeting with the County Administrator last week. It was a thorough meeting. She has met with some of the directors and everyone has been very warm and welcoming. She thanked Judge Betsy Martin for administering her Oath of Office this morning.

Commissioner Weik reported that she attended the ceremony in Woodbury on Veteran's Day dedicating the Veterans Memorial and more than 200 people attended. She noted that the new Hargis Parkway is now open to motorists. She attended the City of Woodbury Council meeting on November 12 and noted that they authorized the City Administrator to submit a letter to the Metropolitan Council on concerns they have with the draft 2030 Transportation Plan. One item mentioned in the letter was that they feel the I-94 Corridor Study and the alternative mode analysis should be specifically identified in the plan and they wanted it

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implemented prior to 2020. Commissioner Weik stated she is planning on attending the Public Health Emergency Preparedness Advisory Committee meeting this Thursday at the Government Center.

Commissioner Hegberg congratulated Commissioner Weik and welcomed her to the County Board. He appreciates her involvement with many of the activities that the county is involved in. He stated that the City of Woodbury's comments on the draft 2030 plan is in Board Correspondence as well as a letter from the Metropolitan Energy Policy Coalition requesting the county's support for federal funding of the Energy Efficiency and Conservation Block Grant. He would like the Board to discuss that issue. Last week he attended the Transportation Alliance meeting and Congresswoman McCollum was a speaker. He feels it is important that the county look at all of its projects where it is asking for Federal funds to make sure they are in line. He did mention to Dennis McGrann that the date for the construction of the Stillwater Bridge be pushed up. He reported on the PERA meeting he attended last week where they discussed the financial results. The DOW was down 46%, but the PERA investments were down only 19.5%. He reported on the MCIT meeting and asked that the Sheriff's Office use PATROL, which is a computerized training operation. He feels that is a cost effective manner for providing training and it should be used to the full extent. He attended an open house on Monday, November 17 in Mahtomedi to discuss the intersection of 244 and CR 12. He attended a Hugo Council meeting where they discussed a road in Grant. An attorney from White Bear Township provided them with a letter with solutions to the problem. He asked that the County Attorney look at that letter and review that issue. The City of Hugo was asking the City of Grant to allow them to at least grade the road as it is a series of pot holes and is difficult to drive on. Immediately following the Board meeting he will be attending the Finance Committee.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Weik moved to adjourn, seconded by Commissioner Peterson and it was adopted unanimously. The Board meeting adjourned at 10:03 a.m.

Dennis C. Hegberg, Chair
County Board

Attest:

James R. Schug
County Administrator