

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD**  
**WASHINGTON COUNTY, MINNESOTA**  
**MAY 6, 2008**

The Washington County Board of Commissioners met in regular session at 9:05 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Peterson, Pulkrabek, Hegberg, Stafford, and Kriesel. Absent none. Board Chair Hegberg presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Linda Krafthefer, Assistant County Attorney; Kay McAloney, Human Resources Director; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Manager; John Elholm, Parks Director; Michael Welling, County Surveyor; Dennis O'Donnell, Senior Planner; Kevin Corbid, Director of Property Records and Taxpayer Services; Sheriff Bill Hutton; Chief Deputy Sheriff, Mike Johnson; Captain Steve Pott; Dan Papin, Community Services Director; Mary Farmer-Kubler, Community Services Supervisor; Diane Elias, Associate Planner; Mjyke Nelson, Information Technology Director; Tom Adkins, Community Corrections Director; Lowell Johnson, Director of Public Health and Environment; Jeff Travis, Environmental Program Manager; Jane Harper, Principal Planner; Dave Brierley, Public Information Coordinator; and Maggi Aitkens, 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 Kriesel moved, seconded by Commissioner Peterson to adopt the following Consent Calendar:

1. Approval of the April 1, 8, 15, 22, and 29, 2008 Board meeting minutes.
2. Adoption of **Resolution No. 2008-063** as follows:

Resolution of Congratulations  
State of Minnesota  
in Celebration of Minnesota's Sesquicentennial

WHEREAS, on August 26, 1848, citizens met in Stillwater to draft a petition to Congress to establish the Territory of Minnesota, which was granted on March 3, 1849, and gave Washington County the distinction as the "Birthplace of Minnesota"; and

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WHEREAS, nine years later, the Territory of Minnesota gained statehood in the United States of America on May 11, 1858, becoming the 32<sup>nd</sup> state in the Union; and

WHEREAS, Minnesota is celebrating its heritage and its sesquicentennial during 2008; and

WHEREAS, the Washington County Board of Commissioners recognizes the significant contributions the citizens of Washington County and the State of Minnesota have made in the development of the State throughout its 150-year history.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby proclaims May 11, 2008, as “Minnesota Statehood Day in Washington County” in celebration of the contributions of its citizens and the State’s Sesquicentennial.

3. Approval to appoint Edward Simonet, Human Services Inc., Representative, and Jeff Treague, Consumer Representative, to the Mental Health Advisory Council to first terms expiring December 31, 2010.
4. Approval to accept funds received during 2007 for the Veterans Services Emergency Assistance fund in the amount of \$1,594.
5. Approval of the 2008 Community Development Block Grant and HOME Investment Partnership Annual Action Plan, which includes the funding recommendations of the CDBG Citizen Advisory Committee.
6. Approval of Post Employment Health Care Savings Plan for the Confidential Employee Group.
7. Approval to submit a grant proposal to the Office of Traffic Safety in the Minnesota Department of Public Safety for the Safe Communities Coalition Project.
8. Adoption of **Resolution No. 2008-064** as follows:

Minnesota Snowmobile Trails Assistance Program  
Star Trail Association

WHEREAS, the Washington County Star Trail Association has developed a snowmobile trail system in Washington County; and

NOW, THEREFORE, BE IT RESOLVED, that any State Grants in Aid for the described trails be directed to Washington County for disbursement to the Washington County Star Trail Association, and application made therefore by said county; and

BE IT FURTHER RESOLVED, that the Minnesota Trail Assistance Program application and the Minnesota Trail Association Agreement be executed through the signatures of the Chair of the County Board and the

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

- 9. Bids were received for demolition of house and workshop located at 7330 Manning Avenue North, in the City of Grant, as follows:

<u>Bidder</u>	<u>House Demo</u>	<u>Workshop Demo</u>	<u>Total Bid</u>
Roger Peterson Construction	\$5,600.00	\$2,150.00	\$7,750.00
Rayco Excavating	\$6,700.00	\$1,700.00	\$8,400.00
Semple	\$7,500.00	\$1,800.00	\$9,300.00
KA Kamish	\$8,970.00	\$1,600.00	\$10,570.00
Veit & Company	\$8,796.00	\$3,596.00	\$12,392.00
Buberl Recycling	\$9,472.00	\$3,424.00	\$12,896.00
Doboszenski & Sons	\$9,999.75	\$2,995.50	\$12,995.25
TMS Construction	\$10,650.00	\$3,950.00	\$14,600.00
Fitol Hintz Construction	\$11,077.00	\$3,900.00	\$14,977.00
Frattalone	\$15,600.00	\$3,500.00	\$19,100.00
Creative Services	\$11,500.00	\$11,500.00	\$23,000.00

Adoption of **Resolution No. 2008-065** as follows:

Contract Award for Demolition of Buildings on County  
Land to Roger Peterson Construction

WHEREAS, bids were requested for the removal or demolition of house and workshop located on county property; and

WHEREAS, bids were opened on April 22, 2008 for house and workshop located at 7330 Manning Avenue North in Grant; and

WHEREAS, the bidding process resulted in no bids for removal of the buildings; and

WHEREAS, the lowest responsible bidder for the demolition of the house and workshop is Roger Peterson Construction in the amount of \$7,750; and

NOW, THEREFORE BE IT RESOLVED, that the bid of Roger Peterson Construction for the demolition of the house and workshop located at 7330 Manning Avenue North in Grant be accepted under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract for demolition between the county and Roger Peterson Construction be executed through the signatures of the Chair of the Washington County Board of Commissioners and the Washington County 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.

- 10. Approval of Motorola Change Order #10 to the Radio Service Agreement.

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11. Approval of appointment and reappointments to the Carnelian Marine-St. Croix Watershed District as follows: reappoint Richard Caldecott and Victoria Dupre, May Township, to terms expiring June 21, 2011; and appoint Jason Husveth, May Township, to fill an unexpired term to June 21, 2010.
12. Adoption of **Resolution No. 2008-066** as follows:

Resolution to Acquire Morgan Property  
for the Purpose of Constructing a Stealth Design Radio Tower

WHEREAS, Washington County is interested in acquiring the property located at 15326 Afton Hills Court South in Afton, MN for the purpose of constructing a stealth design radio tower for the 800 MHz Radio System; and

WHEREAS, the owner has agreed to sell the property to Washington County.

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 to be more fully described upon accurate survey to be conducted.

The foregoing Consent Calendar was adopted unanimously.

## COMMUNITY SERVICES

### Minnesota Assistance Council for Veterans Agreement

Kathy Vitalis, Minnesota Assistance Council for Veterans (MAC-V) Executive Director, presented information regarding MAC-V. They assist veterans in transitional and permanent housing, eviction prevention, mortgage foreclosures, utility payments, transportation, food vouchers, clothing vouchers, employment assistance, tax and legal referrals, case management, and network of providers for referrals. She also requested that the Family Homelessness Prevention and Assistance Program grant funds that they received from Washington County in the amount of \$38,500 be reallocated to another organization because they were able to serve Washington County veterans through other federal and state sources.

Commissioner Peterson moved to terminate the agreement with Minnesota Assistance Council for Veterans for Family Homelessness Prevention and Assistance Program funds. Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

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**Salvation Army Homeless Prevention Assistance**

Commissioner Peterson moved to approve an agreement with the Salvation Army to provide homeless prevention assistance with Family Homelessness Prevention and Assistance Program funding in the amount of \$38,500. Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

**PUBLIC WORKS DEPARTMENT****Comments of Adequacy of the Final Environmental Impact Statement for the Xcel Energy Ash Landfill Project in West Lakeland Township**

Mike Welling, County Surveyor, reviewed the comments submitted to the Minnesota Pollution Control Agency, yesterday, May 5, 2008 regarding the adequacy of the Final Environmental Impact Statement for the Xcel Energy Ash Landfill Project in West Lakeland Township.

Commissioner Kriesel stated that he also sent a letter to the Minnesota Pollution Control Agency yesterday reiterating the request of West Lakeland Township that the final EIS contain a thorough analysis of the alternative sites to the one being proposed; and also, that an independent confirmation of the cost comparison of the alternatives listed in the draft EIS be conducted and included in the final EIS.

Commissioner Kriesel moved that the comments he submitted to the Minnesota Pollution Control Agency be included as part of the county's comments regarding the adequacy of the Final Environmental Impact Statement for the Xcel Energy Ash Landfill Project in West Lakeland Township as follows: reiterate the request of West Lakeland Township that the final EIS contain a thorough analysis of the alternative sites to the one being proposed; and, that an independent confirmation of the cost comparison of the alternatives listed in the draft EIS be conducted and included in the final EIS. Commissioner Peterson seconded the motion and it was adopted unanimously.

Commissioner Kriesel moved to approve the county comments submitted on May 5, 2008 regarding the adequacy of the Final Environmental Impact Statement for the Xcel Energy Ash Landfill Project in West Lakeland Township. Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

**Household Hazardous Waste Facility Project**

Commissioner Stafford moved to approve a contract with Oertel Architects in the amount of \$299,000 to provide architectural and engineering services for the Household Hazardous Waste Facility Project. Commissioner Peterson seconded the motion and it was adopted unanimously.

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### **Update on Campus 2025 Improvements and Change Order #1 with Veit and Company**

Don Theisen, Public Works Director, presented an update on the Campus 2025 project. He noted the budget allocated for this project is on track. The schedule is to finish the Law Enforcement Center in May, 2009; the Courts Tower, June, 2009; North Wing 2<sup>nd</sup> floor, May 7, 2010; and the North Wing 1<sup>st</sup> floor, December 31, 2010.

Commissioner Peterson moved to approve Change Order #1 to a contract with Veit & Company, Inc. in the amount of \$93,870 for resistance piers and micropiles installed in the Law Enforcement Center building. Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

### **2008 Public Works Transportation Division Construction and Maintenance Projects**

Wayne Sandberg, Deputy Public Works Director, presented an overview of 2008 construction and maintenance projects including: CSAH 13, Radio Drive – project started in 2007 and will finish the tunnels, grading, landscaping final paving striping, with a grand opening in June; CSAH 18 bridge - is one of two structurally deficient bridges under county jurisdiction; there will be a 110 day construction period and it will remain open to traffic one way with signal and construction will begin after Memorial day; CSAH 18 reconstruction – parkway style design with three roundabout intersections; joint project with the City of Lakeland; project will start mid-June; CSAH 15 reconstruction – will be a four-lane divided roadway from Highway 36 to just north of CR 12; two additional traffic signals will be added; bicycle/pedestrian facilities; and access changes at six residential and two commercial driveways; CSAH 13 bridge lane – additional capacity for northbound Radio Drive; conversion of pedestrian way to travel lane; joint project with the City of Woodbury to construct south frontage road; and an additional turn lane to 3<sup>rd</sup> Street in Oakdale; CSAH 16/25 (Century Avenue) reconstruction – multi-year project, 2008 and 2009; Ramsey County lead agency; new schedule with no roadway work in 2008, but will do utilities, clear and grub, storm sewer, and crossings; road construction will begin in 2009 under traffic; Pavement preservation – CSAH 2, Forest Lake; CSAH 11, Stillwater Township; CSAH 13, Woodbury, CSAH 14, Bayport, CSAH 20, Cottage Grove, and CR 71, Afton/Denmark Township.

### **Limited Use Permit**

Commissioner Stafford moved to adopt **Resolution No. 2008-067** as follows:

Approval of MN/DOT Limited Use Permit Relating to  
Pedestrian Trail Along Interstate 94 at CSAH 13

WHEREAS, Washington County is a political subdivision, organized and existing under the laws of the State of Minnesota; and

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WHEREAS, the Washington County Board of Commissioners has approved a plan that includes construction of a nonmotorized recreational trail in the right of way of Interstate Highway 94 to promote the orderly and safe crossing of the highway; and

WHEREAS, the State of Minnesota, Department of Transportation requires a Limited Use Permit for the construction and utilization of said pedestrian trail.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby enters into a Limited Use Permit with the State of Minnesota, Department of Transportation for the following purposes:

To construct, operate and maintain a nonmotorized recreational trail within the right of way of Interstate Highway 94 of the State of Minnesota from the south west ramp terminal to the south end of the south bound bridge along County State Aid Highway 13. Washington County shall construct, operate and maintain said trail in accordance with the Limited Use Permit granted by the Minnesota Department of Transportation.

BE IT FURTHER RESOLVED that the Chair of the Washington County Board and the County Administrator are authorized to execute without further action of the Board the Limited Use Permit and any subsequent amendments thereto.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

## **GENERAL ADMINISTRATION**

### **Valley Creek Land Protection Collaborative Effort**

Jane Harper, Principal Planner, reviewed the Valley Creek Land Protection Collaborative, which would consist of The Minnesota Land Trust, Belwin, and Washington County. She is also requesting that the county participate in an application to the Doris Duke Foundation for matching grant funds for land conservation efforts related to the Steltzner property (up to \$50,000) and Daley property (\$200,000) located in Afton along the Valley Creek Trout Stream.

Commissioner Kriesel moved to approve the county's involvement in the Valley Creek Land Protection Collaborative and approval of the county's participation in the application to the Doris Duke Foundation for matching grant funds for land conservation efforts. Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

### **Purchase of Pontius Property with Land and Water Legacy Program Funds**

Ms. Harper reviewed the proposed purchase of the Pontius property located in southern Denmark Township. A portion of this property will be a component of the trail segment between Point Douglas County Park and

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the St. Croix Bluffs Regional Park. A conservation easement would be placed over the wooded portion of the property, creating, along with other projects along the St. Croix River, the potential for a two mile continuous ecological corridor from Point Douglas County Park north along the St. Croix River. Ms. Harper indicated there would be some reimbursement from the Metropolitan Council for the purchase price that is attributed to the trail portion.

Commissioner Peterson moved to approve the use of Land and Water Legacy Program funds to purchase fee title to the Pontius property; and adoption of **Resolution No. 2008-068** as follows:

Resolution to Acquire Pontius Property for  
Washington County Parks Trails

WHEREAS, Washington County is interested in acquiring the property described herein in Denmark Township for inclusion into the Washington County Parks Trail System; and

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

WHEREAS, the Land and Water Legacy Program has received application for this purchase and staff recommends this purchase for funding.

NOW, THEREFORE, BE IT RESOLVED, that the officers of said county, including the Parks Director, County Engineer, the County Administrator and the County Attorney, shall proceed and are hereby authorized to proceed to acquire, by negotiations and purchase the Pontius property.

Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

**Legislative Update**

Jim Schug, County Administrator, provided a brief legislative update on the following items: the tax bill is being negotiated between the Governor, the Senate and the House; the House tax bill, which was approved, does include additional money for county program aid; the House tax bill brings the entire seven county metro area into the transit taxing district; the wheelage tax bill in the House now exempts all two-wheeled vehicles from the wheelage tax; the House tax bill also exempts construction material used in the North Star/Central corridor projects from sales tax; the short-term offender reimbursement has been compromised to around \$15 per day; and, in the MICA legislative update there was a reference to the fact that 8 day hold grants were not being used by Washington County, that was a misstatement, another county wasn't using those grants.

Commissioner Hegberg asked for information on how much the transit tax is on the real estate taxes.

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**BOARD CORRESPONDENCE**

Board correspondence was received and placed on file.

**COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Peterson reported on the AMC Legislative meeting last week. The State court system is doing a massive cutback in all of the courts throughout the counties.

Commissioner Kriesel reported on the Afton Planning Commission meeting that he attended last night to seek a permit for the 800 MHz Radio Stealth Tower. He commended Captain Pott for the great job he's done over the last two years trying to find a good fit for the tower in Afton. He's brought forth at least five different location scenarios over the past two years. Ultimately, it was decided that the county would pursue a stealth design tower which is in conjunction with Afton's existing ordinance. The Afton Planning Commission constructed 10 conditions of approval, which the county would comply with, only to see the vote turn out 5-3 against. He does not know what more the county can do when it is trying to comply with Afton's existing ordinance. This goes to the heart of not only the public safety and welfare of the citizens but of the law enforcement and emergency responders. There has to be a tower down there and this process has to move forward. The good news is this goes to the Afton City Council, and he's confident that those elected officials will do what's right and in the interest of its citizens, the lower valley citizens and the emergency responders.

Commissioner Stafford stated he visited the proposed site for the tower and feels that it is the most benign site he has ever seen. He does not believe people would know that tower is there unless they pointed it out to them. He hopes the Afton City Council realizes that the county has a duty to provide for the health and safety of its citizens and they cannot do that without a tower in Afton.

Commissioner Hegberg reported that he and Commissioner Kriesel also visited the proposed tower site last week. He didn't see how that tower could fall on anybody's home. He does not know how it could be made any more benign. He also reported on a press conference he attended held by Senator Vandever and Representative Dettmer regarding watersheds and their support of county board approval of watershed district budgets.

**ADJOURNMENT**

There being no further business to come before the Board, Commissioner Hegberg adjourned the meeting at 11:15 a.m.

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**BOARD WORKSHOP WITH COMMUNITY SERVICES**

The Board met in workshop session with the Community Services Department to review results of an audit by the Department of Human Services on the Medicaid Waiver Programs. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Hegberg, Stafford, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Dan Papin, Cindy Rupp, Lowell Johnson, Cathy Ellis, Connie Waldera, Deb Tulloch, Diane Benjamin, and Maggi Aitkens.

**BOARD WORKSHOP WITH PUBLIC WORKS**

The Board met in workshop session with the Department of Public Works to discuss the Counties Transit Improvement Board. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Peterson, Hegberg, Stafford, and Kriesel. Also present were Jim Schug, Molly O'Rourke, George Kuprian, Don Theisen, Wayne Sandberg, Ted Schoenecker, Harley Will, and Maggie Aitkens.

Dennis C. Hegberg, Chair  
County Board

Attest:

James R. Schug  
County Administrator