

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
SEPTEMBER 8, 2009**

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY CONVENES

The Washington County Regional Railroad Authority convened at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Peterson, Weik and Kriesel. Commissioner Pulkrabek absent. RRA Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; Linda Krafthefer, Assistant County Attorney; Meredith Magers, Assistant County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Lowell Johnson, Director of Public Health and Environment; Amanda Strommer, Program Manager; Mjyke Nelson, Information Technology Director; Don Theisen, Director of Public Works; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Manager; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Harley Will, Accounting and Finance Director; Tom Adkins, Community Corrections Director; Dan Papin, Community Services Director; and Yvonne Klinnert, Public Information Coordinator II. Official Proceedings of the Regional Railroad Authority are available in the Office of Administration.

The Board recited the Pledge of Allegiance.

WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES

The Washington County Board of Commissioners met in regular session at 9:10 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Pulkrabek, Peterson, Weik and Kriesel. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; Linda Krafthefer, Assistant County Attorney; Meredith Magers, Assistant County Attorney; Kevin Corbid, Director of Property Records and Taxpayer Services; Lowell Johnson, Director of Public Health and Environment; Amanda Strommer, Program Manager; Mjyke Nelson, Information Technology Director; Don Theisen, Director of Public Works; Wayne Sandberg, Deputy Public Works Director; Ted Schoenecker, Transportation Manager; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Harley Will, Accounting and Finance Director; Tom Adkins, Community Corrections Director; Dan Papin, Community Services Director; and Yvonne Klinnert, Public Information Coordinator II.

COMMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval of the September 1, 2009 Board meeting minutes.
2. Approval to reappoint Rick Vanzwol, Grant, and Gerald Johnson, Stillwater, to the Brown's Creek Watershed District Board of Manages to three-year terms expiring October 21, 2012.
3. Approval to appoint Natasha Fleischman, Lake Elmo, representing Adult Basic Education, to the Workforce Investment Board to a first term expiring June 30, 2012.
4. Approval of a random drawing for staff who contribute during the charitable campaign drive, for a premier reserved parking spot at the Government Center, Law Enforcement Center, Service Center – Forest Lake and Service Center – Cottage Grove.
5. Approval for early termination of 2009 contract with Stivland, Inc. (dba Harbor Shelter and Counseling Center) to provide shelter services for male youth.
6. Approval of two Needs Determinations for expanding the licensed capacity of two East Suburban Resources sites, a provider of Day Training & Habilitation services for adults with developmental disabilities, from 100 persons to 126 persons.
7. Approval of the funding agreement with Twin Cities Habitat for Humanity, Inc. to acquire 24 townhome lots for affordable housing.
8. Approval of the developer agreement with Twin Cities Habitat for Humanity, Inc. to acquire 24 townhome lots for affordable housing.
9. Approval of the funding agreement with Washington County Housing and Redevelopment Authority to use \$137,100 in 2009 Community Development Block Grant funds to complete a capital improvement project at Raymie Johnson Townhomes in the City of Oak Park Heights.
10. Approval to enter into an agreement with the Minnesota Department of Public Safety, Division of Homeland and Emergency Management, to receive funding through the Emergency Management Performance Grant Program.

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11. Approval to enter into an agreement with Martha Larson and Mary Storkan independent contracted wellness program staff for onsite County Employee Wellness activities.
12. Adoption of **Resolution No. 2009-088** as follows:

Approval of Off-Highway Vehicle Grant

BE IT RESOLVED, that the Washington County Sheriff's Office is authorized to enter into a grant agreement with the Minnesota Department of Natural Resources, Division of Enforcement, for the program entitled Off-Highway Vehicle Safety Enforcement Grant Program.

BE IT FURTHER RESOLVED, that Sheriff William M. Hutton is hereby authorized to execute and sign the grant agreement and any amendments thereto, as are necessary to implement the program on behalf of the Washington County Sheriff's Office.

The foregoing Consent Calendar was adopted unanimously.

PUBLIC HEARING – PUBLIC HEALTH AND ENVIRONMENT

Consider Adoption of New Subsurface Sewage Treatment System Regulations Ordinance

The Board Chair presented a brief overview of today's public hearing to consider the repeal of Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations Ordinance #128 and replacing it with Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations. The Board Secretary indicated that the notice of public hearing was published and was placed on file.

Amanda Strommer, Public Health and Environment Program Manager, provided a background and overview of the revised state subsurface sewage treatment system rule and proposed new requirements for the county ordinance. State rule changes include: Management Plans, the county cannot issue a permit unless a management plan is included in the design; Dispute Resolution, the county ordinance must address how disputes over depth of the periodically saturated soil will be resolved between two, or more, private inspectors; Operating Permits, must be issued for Type IV and V Systems, MSTs (5,000 gpd-10,000 gpd) and holding tanks; and Operating Permits, must include maintenance requirements, operational requirements, compliance limits and boundaries, reporting frequency, notification by permittee, identify reserve area, and prohibited discharges.

Proposed new requirements include: reduced design flow determination for subdivisions; reduced septic tank sizing for subdivisions; reduced holding tank minimum sizes for dwellings and other establishments; minimum rock below pipe in drainfields reduced from 12" to 6"; Section 7.1 requires operating permits

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for Type III Systems, and SSTS Serving Food, Beverage, Lodging, Establishments and Hazardous Waste Generators; Section 8.10 requires compliance inspections prior to the transfer of any real property, unless the age of the system is less than five years, and when deemed necessary by the Department to ascertain the compliance of an existing system; Section 13.6, MR 7080 requires two tanks and an effluent screen if the dwelling has a garbage disposal and/or a sewage ejector; the Department has required two tanks since 1992; and the Department will require an effluent screen on all systems.

Ms. Strommer indicated that the Washington County Planning Advisory Commission held a public hearing on June 23, 2009. It approved forwarding the ordinance to the County Board with the following comments: Compliance inspections at time of sale and operating permits for licensed establishments.

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

The Board Chair closed the public hearing at 9:30 a.m.

Commissioner Weik moved to adopt **Resolution No. 2009-089** as follows:

Resolution Adopting an Amendment to the
Washington County Development Code, Chapter Four,
Subsurface Sewage Treatment System Regulations
Ordinance No. 179

WHEREAS, the Minnesota Pollution Control Agency (MPCA) revised Minnesota Rules, Chapter 7080, Individual Sewage Treatment System Program, into Minnesota Rules, Chapters 7080 through 7083, Subsurface Sewage Treatment Program, on February 4, 2008; and

WHEREAS, Minnesota Rules, Chapter 7082, Section 7082.0050, Subpart 1, Paragraph B requires that the county update its ordinance by February 4, 2010; and

WHEREAS, the most recent version of this ordinance is Washington County Ordinance No. 128, Individual Sewage Treatment System Regulations, adopted by the County Board on October 20, 1997; and

WHEREAS, on October 14, 2008, a presentation was made by the Department of Public Health and Environment to the County Board to review proposed changes to the Ordinance; and

WHEREAS, on June 23, 2009, the Washington County Planning Advisory Commission referred the Subsurface Sewage Treatment System Regulations in the form of Chapter Four of the Washington County Development code to the County Board with their recommendations; and

WHEREAS, on September 8, 2009, the Washington County Board of Commissioners conducted a public hearing to consider adopting Chapter Four of the Washington County Development Code.

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NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts Washington County Subsurface Sewage Treatment System Ordinance No. 179 to take effect upon the passage of this resolution and its publication according to law; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Washington County Ordinance No. 128 is hereby repealed, said repeal to take effect on the date Washington County Ordinance No. 179 becomes effective.

SUMMARY
WASHINGTON COUNTY DEVELOPMENT CODE
CHAPTER FOUR: SUBSURFACE SEWAGE TREATMENT SYSTEM
REGULATIONS
ORDINANCE NO. 179

Individual sewage treatment systems, more commonly referred to as septic systems, have been regulated in Washington County since 1972. There have been numerous iterations of the ordinance regulating septic systems. In 1997 the Washington County Board of Commissioners adopted Ordinance No. 128, Individual Sewage Treatment System Regulations. Ordinance No. 128 is the County's current ordinance that regulates the location, design, installation, use and maintenance of individual sewage treatment systems. The regulations are Chapter Four of the Washington County Development Code and applies in all areas of Washington County, other than cities and towns that have adopted ordinances that complied with Minn. Stat. § 115.55 and the rules promulgated thereunder which were as strict as Ordinance No. 128.

On February 4, 2008, the Minnesota Pollution Control Agency published Minnesota Rules Chapter 7080 through 7083 governing Subsurface Sewage Treatment Systems (SSTS). Washington County is required to revise and implement an SSTS Ordinance which complies with the updated Minnesota Rules Chapters 7080, 7081, 7082, and 7083 by no later than February 4, 2010. On September 8, 2009, at its public hearing, the Washington County Board of Commissioners passed a resolution adopting Ordinance No. 179 which will repeal Ordinance No. 128. A brief summary of Chapter Four Subsurface Sewage Treatment Systems: Ordinance No. 179 is as follows:

Sections 1, 2, and 3 address the *Purpose and Intent* of the SSTS ordinance, provides expanded *Definitions* and describes how the Ordinance will be *Administered*. Section 4 establishes the *Compliance Criteria* for existing systems, new construction, and those systems receiving replacement components. Section 5 deals with *Acceptable and Prohibited Discharges* of those systems receiving sewage and those systems that receive both sewage and non sewage discharge.

Section 6 addresses *Permits*, the permitting process, and when permits are required for SSTS. Permit applications will now require management plans for the proposed system before a permit can be issued. Section 7 addresses *Operating Permits* and what must be included in the operating permits. Operating permits will be required for Type III systems, Type IV systems, Type V systems, all Midsized Sewage Treatment Systems, Holding tanks, SSTS serving Food Beverage and Lodging Establishments, and SSTS serving Hazardous Waste Generators. Operating permits include maintenance requirements, operational requirements, compliance limits and boundaries, reporting frequency, notification by permitted, identified reserve areas, and prohibited discharges.

Section 8 addresses when *Inspections* are required to determine compliance with Chapter Four. Compliance inspections must be conducted prior to issuance of a permit for the addition of a bedroom, all new construction and replacement, and prior to the transfer of any real property unless the age of the property's system is less than 5 years old. Compliance inspections are also required when deemed necessary by the Department. Section 8 further discusses Certificates of Compliance and Certificates of Non-Compliance, as well as a process to resolve disputes over the depth of periodically saturated soil.

Section 9 addresses *Site Evaluation and Soil Testing* requirements for individual sewage treatment systems and Section 10 addresses additional *Site Evaluation and Soil Testing* requirements for mid-sized sewage treatment systems. Section 11 addresses *Groundwater Investigation* and Section 12 addresses *Sewage Flow Determination*. Section 13 deals with *Sewage Tanks* and the minimum number of required tanks. Section 14 addresses the *Distribution of Effluent*, non pressurized distribution pipes, gravity distribution, valve boxes, distribution boxes, and pressure distribution. Section 15 addresses the *Dosing of Effluent* and section 16 addresses *Treatment and Dispersal* with setback distances and soil hydraulic loading rates.

Section 17 addresses design standards for *Type I Systems*, which include trenches, pressure beds, mounds, and at grades. Section 18 addresses *Type II Systems*, which include systems in rapidly permeable soils, floodplain systems, holding tanks and privies. Section 19 addresses *Type III Systems*, which includes Graywater Systems. Section 20 addresses *Type IV Systems*, which are systems that employ registered product. Section 21 addresses *Type V Systems*, which are engineered systems.

Section 22 addresses *Maintenance* in accordance of the SSTS's operating management plan. Section 23 addresses *System Abandonment* and Section 24 addresses *Product Registration* in accordance of Minn. Rule 7083.4000 to 7083.4120. Section 25 addresses *Enforcement* of the Ordinance and Section 26 is for of the Ordinance's *Separability*. Section 27 addresses the *Effective Date* and publication of the Ordinance.

The forgoing is intended only as a summary of the Washington County Development Code Chapter Four - Subsurface Sewage Treatment System Regulations (SSTS) Ordinance No. 179. A printed copy of this Ordinance as well as a list of differences between this Ordinance, Ordinance No 128 and the Minnesota Rules Chapter 7080 is available at the Washington County Department of Public Health and Environment, Washington County Auditor-Treasurer's Office and at the following website: http://www.co.washington.mn.us/client_files/documents/phe/ENV/ENV-DraftSSTSRegs.pdf

Commissioner Kriesel seconded the motion and it was adopted unanimously.

Commissioner Pulkrabek left the meeting at 9:45 a.m.

PUBLIC WORKS

Commissioner Hegberg moved to adopt **Resolution No. 2009-090** as follows:

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Resolution to Submit an Application to the Counties
Transit Improvement Board for Land Acquisition for a
Park-n-Ride/Transit Station in the City of Newport

WHEREAS, Washington County has been a member of the Red Rock Corridor Commission since 1998; and

WHEREAS, the Red Rock Corridor is included in the 2030 Transportation Policy Plan as a transitway; and

WHEREAS, the Red Rock Corridor Commission completed an Alternatives Analysis in 2007 that included the development of a future transit station in Newport and that the ultimate transit mode for the corridor would be commuter rail; and

WHEREAS, Washington County has been a member of the Counties Transit Improvement Board since 2008; and

WHEREAS, the Counties Transit Improvement Board has identified the Red Rock Corridor as transitway that is eligible for funding; and

WHEREAS, the Counties Transit Improvement Board has adopted a Transit Investment Framework and has estimated that \$85,000,000 in revenue will be generated for 2010; and

WHEREAS, Washington County is guaranteed three percent of the total estimated revenue generated for the years 2010-2013; and

WHEREAS, Washington County is eligible to receive \$2,550,000 through 2009 Counties Transit Improvement Board Grant solicitation for funding in 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners supports the submittal of an application to the Counties Transit Improvement Board for land acquisition in the City of Newport requesting the full amount of \$2,550,000.

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

Commissioner Pulkrabek returned at 9:50 a.m.

GENERAL ADMINISTRATION

Transfer Ownership of the Boom Site

Commissioner Kriesel moved to adopt **Resolution No. 2009-091** as follows:

Support the Transfer of the Boom Site from Ownership
and Management by the State of Minnesota
to that of the National Park Service.

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WHEREAS, the St. Croix Boom Site is very highly valued as a recreational and scenic resource by residents of and visitors to the St. Croix Valley; and

WHEREAS, the Boom Site long has been under the ownership and management of the State of Minnesota; and

WHEREAS, the site was closed to public access in 2006, and management budgets for the site have dropped from \$50,000 in 2007 to approximately \$20,000 in 2009; and

WHEREAS, the Minnesota Department of Natural Resources (DNR) and the St. Croix National Scenic Riverway, a unit of the National Park Service (NPS), have reached agreement on a long-term vision calling for a transfer of ownership and management of the Boom Site to the NPS; and

WHEREAS, the NPS envisions a two-part authorization process, in the first phase of which Congress would allocate planning funds, which would enable the NPS to engage with the community in articulating the future vision and management plans for the Boom Site; and then, secondly, Congress would provide the operating and capital funds to realize the vision and management plans developed in phase one; and

WHEREAS, this vision provides the best opportunity for long-term funding sufficient for the operations, maintenance and improvement of the Boom Site; and

WHEREAS, the Friends of the St. Croix Boom Site, a voluntary non-profit organization dedicated to the improvement of the Boom Site, has endorsed this shared vision of the DNR and NPS, and expects to ask our Congressional delegation for their support of the NPS' funding requests for the Boom Site.

NOW THEREFORE BE IT IS RESOLVED that the Washington County Board of Commissioners joins with the Friends of the St. Croix Boom Site to support and endorse the transfer of the Boom Site from ownership and management by the State of Minnesota to that of the National Park Service.

Commissioner Weik seconded the motion and it was adopted unanimously.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Weik reported on the two-day Futures Committee and thought they were productive. They discussed moving the redesign forward, although there wasn't a lot of traction this year with the legislature. This week she will tour the Anoka County Medical Examiner's office followed by a Minnesota Inter-County Association meeting. This evening the Woodbury's Public Safety Board will hold its 9th Annual Public Safety Dinner at the Prom Center in Oakdale. This is a fundraiser for public safety equipment. Next Monday she will be attending an all day H1N1 health flu conference with other members of Washington County staff. It will be held at the Earle Brown Center in Brooklyn Center. Commissioner Weik announced that CVS and Walgreens are offering free seasonal flu shots to individuals who are jobless or uninsured.

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Commissioner Kriesel reported on the Metropolitan Energy Policy Coalition meeting held last week. This evening he will attend the Mental Health Advisory Committee meeting. Tomorrow he will be going to Isanti County to look at opportunities to partnership on their efforts to support families of deployed troops. Tomorrow evening he has the Disabled Veteran's Rest Camp Board meeting.

Commissioner Kriesel noted that this past week the law enforcement community lost an officer in North St. Paul, Officer Richard Crittenden. The County Board held a moment of silence for the slain officer.

Commissioner Hegberg reported that he will attend the meeting at the Union Depot for bonding issues. He has PERA on Thursday and the Minnesota Counties Insurance Trust on Friday.

Commissioner Peterson reported on the Metropolitan Emergency Services Board meeting last week. The Executive Committee did approve the Washington County installation of control stations in St. Croix County Wisconsin. There was discussion on bidirectional amplifier systems, which was approved for the Farmington High School, but the Technical Advisory Committee will be discussing these bidirectional amplifier systems, and how it impacts the grid pattern for the 800 MHz. There was also an overview of the Pandemic Flu planning. She met with the City of St. Paul's lobbyist to talk about working together on advocating for bonding, rail activities, and transit. On Thursday, September 24 from 7:00 to 9:00 p.m. at the Minnesota Landscape Arboretum in Chaska, the 2009 Land, Conservation and Clean Waters Summit will be held. She acknowledged Deb Tulloch, Cathy Ellis, and Therese Gilbertson, Community Services employees, for participating in the Triathlon.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

EXECUTIVE (CLOSED) SESSION WITH PUBLIC WORKS

The County Board recessed into Executive Session with Public Works to discuss the proposed cost of right of way and appraisal in connection with the SW Quadrant of County Road 83 and I-35. Present for the Executive Session were Commissioners Hegberg, Peterson, Weik, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Don Theisen, Wayne Sandberg, Cory Slagle, Sharon Price, Linda Krafthefer, Meredith Magers, and Patricia Raddatz.

The County Board reconvened at 11:00 a.m.

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ADJOURNMENT

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

BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss the proposed 2010 Budget with the following departments: Community Services and Sheriff's Office. Present for the workshop session were Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Melinda Kirk, Dan Papin, and Sheriff Bill Hutton.

Myra Peterson, Chair
County Board

Attest:

James R. Schug
County Administrator