



[Washington County Board of
County Commissioners:
Minutes and Agenda
Packets](#)

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OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
SEPTEMBER 2, 1997

The Washington County Board of Commissioners met in regular session at 4:30 p.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Bob Turrentine, Assistant County Attorney; Don Wisniewski, Public Works Director; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, H.E.L.M. Division Manager; Dennis O'Donnell, Senior Land Use Specialist; Kathy Nordine, Land Use Specialist; Paul Tatting, Land Use Specialist; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Hauser to adopt the following Consent Calendar:

1. Approval of the August 19 and 26, 1997 Board meeting minutes.
2. Approval of abatement applications for homestead classification as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Amount</u>
R 32.027.21.32.0002	Christofferson, William	\$ 770.00
M 88.088.88.00.1580	Senty, Christopher & Kerry	332.00
M 88.088.88.00.0571	Graske, Edward	54.00
M 88.088.88.00.0618	Weinand, Evelynne	238.00
R 31.030.21.41.0087	Langevin, Richard W. & Mary R.	1,420.00
M 88.088.88.00.1305	Breiland, Maureen Evette	162.00
R 14.032.20.24.0008	Stein, Thomas & Judith R.	1,182.00
R 30.027.20.43.0003	Brown, Kevin & Jean	1,036.00
R 28.030.20.12.0099	Wash. Co. Historical Society	30.00
R 03.029.20.14.0005	Zeuli, Olive	62.00
M 88.088.88.00.0608	Sanson, Shawn	466.00

3. Approval of the following appointment and reappointments to the Workforce Council: Dale Anderson, Small Business Representative; Sue Putz, Economic Development Representative; Jim Donovan, Labor Representative; Barbara Swanson, Community Based Organization; and appointment of Claudia Risnes, School District 834.
4. Approval of agreement between the Department of Economic Security/Minnesota Workforce Center System and Washington County Workforce Center to continue implementation of the Local Integration Plan for the One-Stop Career System.

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5. Information only - Lillie Suburban Newspapers Best of the Review, has awarded the Lake Elmo Park Reserve with the "Best Place for a Family Picnic Award", based on the 1997 BEST Reader's Choice Awards.
6. Adoption of **Resolution No. 97-116** as follows:

Concurrence with City of Oakdale on Bid Award for
Road Construction and Improvements on CSAH 13 to
F.M. Fratalone Excavating

WHEREAS, the City of Oakdale and Washington County desire to complete roadway improvements on CSAH 13 (Ideal Avenue) from TH 5 to 1400 feet north of proposed 36th Street in Oakdale; and

WHEREAS, Washington County and the City of Oakdale have entered into a Cost Reimbursement Agreement for the roadway improvements; and

WHEREAS, the City of Oakdale has let bids for this construction and has determined that F.M. Fratalone Excavating is the low bidder; and

NOW, THEREFORE BE IT RESOLVED, that Washington County concurs in the bid award to F.M. Fratalone Excavating through the authorization of the Washington County Board of Commissioners.

Adoption of **Resolution No. 97-117** as follows:

Traffic Signal Cooperative Construction and Maintenance
Agreement No. 76658 with Minnesota Department of
Transportation for Signals at CSAH 13 and TH 5

BE IT RESOLVED, that the County of Washington enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To install new traffic control signals with street lights, emergency vehicle pre-emption and signing on Trunk Highway No. 5 (34th Street North) at Imation Place and at County State Aid Highway No. 13 (Ideal Avenue); and install interconnect on Trunk Highway No. 694 East Ramps to County State Aid Highway No. 13 (Ideal Avenue) in accordance with the terms and conditions set forth and contained in Agreement No. 76658, a copy of which was before the Board.

BE IT FURTHER RESOLVED, that the proper County Officers be and hereby are authorized to execute such agreement, and thereby assume for and on behalf of the County all of the contractual obligations contained therein.

The foregoing Consent Calendar was adopted unanimously.

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PUBLIC WORKS DEPARTMENT

Don Wisniewski, Public Works Director, presented three options regarding the Manning Avenue Connection Corridor Study. The options are: 1) Select no build alternative and conclude study; 2) Postpone decision and completion of the Environmental Assessment until TH 36 study is complete; and 3) Proceed with completing the Environmental Assessment on alignments A-2, C-3, and no build; plan to reserve right of way if a build alternative is recommended. He indicated that a letter from Wyn John, Mayor, City of Lake Elmo, was received and he requested the Board adopt the third alternative and gave six reasons for that request.

Commissioner Hauser stated that Mayor John made some good points in his letter. She also believes that since \$80,000 has already been spent on this project that the Environmental Assessment be completed in order to provide information in which to make the decision. She feels that complete information is not currently available upon which to make a decision.

Commissioner Hauser moved to proceed with Option 3, completing the Environmental Assessment on the Manning Avenue Connection Corridor Study on alignments A-2, C-3 and no build, and plan to reserve right of way if a build alternative is recommended. Commissioner Engstrom seconded the motion. The motion was discussed by the Board.

Commissioner Engstrom stated he feels there should be a no build alternative, but he is concerned that this study be wrapped up and that Mayor John made some good points in his letter. The County needs to know what is going to happen long term and if an investment has already been involved it would be wasted if the study were not completed.

Commissioner Abrahamson is concerned about the two communities he represents who have proposed a no build alternative to him. He believes that by next summer there are going to be four cities involved in the final decision of what goes on in that area. He asked the Public Works Director to suppose the four communities say they are opposed to this, where does that leave the County? Mr. Wisniewski stated it would depend on their level of opposition. If their level of opposition is that they will absolutely not approve a reservation of right away or approve a plan, then the County would have no option but to dispute the reservation. That is something that has not been done in the past. The County has honored those cities when they said no. If their level of opposition is that they are in agreement in terms of there needs to be a future road in here but they don't want to see it built right now, the County will work with them to reserve the right of way. If the opposition is they don't have the financial where-with-all, then it becomes a financial question from a County standpoint.

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The motion to proceed with completing the Environmental Assessment on the Manning Avenue Connection Corridor Study alignments A-2, C-3 and no build and plan to reserve right of way if a build alternative is recommended was adopted 4-1 with the vote as follows: Yes, Commissioners Hegberg, Peterson, Hauser and Engstrom; No, Commissioner Abrahamson.

GENERAL ADMINISTRATION

Appointments to Municipal Board Hearing on Annexation Petition by Oak Park Heights

Commissioner Abrahamson moved to appoint Commissioners Peterson and Engstrom to the Municipal Board to hear a petition for the annexation of certain land to the City of Oak Park Heights pursuant to Minnesota Statutes 414. Commissioner Hegberg seconded the motion and it was adopted unanimously.

Brown's Creek Watershed District Establishment Hearing Notice

James Schug, County Administrator, announced that the Minnesota Board of Water and Soil Resources has set a public hearing date for the establishment of a proposed Brown's Creek Watershed District for Wednesday, September 17, 1997 at 10:00 a.m. at the Stillwater City Hall. Mr. Schug indicated that he will present the petition and does not believe any of the Commissioners need to be present but are welcome to attend.

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson indicated he still has concerns on the Manning Avenue Corridor Study and believes this is a city matter and the County should not be involved.

Commissioner Hegberg informed the Board that the Minnesota Counties Insurance Trust dividend to the County for 1997 will be approximately \$300,000.

Commissioner Peterson noted she will be in Washington D.C. on September 16, 17 and 18, lobbying for the Wakota Bridge and ISTEAFunding.

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BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

RECESS

Commissioner Engstrom moved to recess until 6:30 p.m. this evening at which time the County Board will conduct a public hearing on the Washington County Development Code Chapters One through Four. Commissioner Abrahamson seconded the motion and it was adopted unanimously. The Board meeting recessed at 5:10 p.m.

BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board meeting was preceded by a workshop session with the Office of Administration to discuss the proposed 1998 budget prior to certification of that budget and levy. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Chirs Eitemiller, Richard Stafford, Molly O'Rourke, Jay Kuechenmeister, Judy Honmyhr, Cindy Koosmann, Marie Sunlitis, and the following individuals from the Housing and Redevelopment Authority: Wes Butler and Peter Cooper.

PUBLIC HEARING - DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT**Washington County Development Code Chapters One Through Four (Zoning Ordinance)**

The Board reconvened at 6:30 p.m. and the following individuals were in attendance: Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Chair Peterson presided. Also present were James Schug, County Administrator; Bob Turrentine, Assistant County Attorney; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, H.E.L.M. Division Manager; Dennis O'Donnell, Senior Land Use Specialist; Kathy Nordine, Land Use Specialist; Paul Tatting, Land Use Specialist; and Tim Casey, Public Information Specialist.

The Board Chair presented an overview and the process that will be followed in today's public hearing to consider adoption of Chapters One through Four of the Washington County Development Code.

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The Secretary to the Board read into the record the notice of public hearing and verified for the record that the file does contain the required Affidavits of Publication and Affidavits of Mailing.

Mary McGlothlin, Director of Health, Environment and Land Management, presented a summary of Chapters One through Four (Zoning Ordinance) of the Washington County Development Code (a full copy of her remarks is included in the file). Items addressed were: Applicability - only townships will be affected; Townships have the option to be more restrictive than the County; How this document relates to the 2015 Comprehensive Plan including development philosophy, density zoning, open-space development--clustered housing, transition areas and commercial/industrial; Process the zoning ordinance went through; Explanation that when completed, the Washington County Development Code will contain Twelve Chapters, with the first four chapters referred to as the Zoning Ordinance.

Ms. McGlothlin then summarized the following Chapters: Chapter One) Administrative Chapter presents the definitions used in the ordinance, explains procedures for granting conditional use permits and certificates of compliance, procedures for appeals and variances and creates three County committees which deal with land use issues; Chapter Two) Zoning Maps, Districts and Uses presents zoning maps for each township and lists the zoning categories; Chapter Three) Density and Lot Requirements; and Chapter Four) Performance Standards which contains, among other items, the scenic road designations.

Ms. McGlothlin concluded her remarks by entering the following letters into the record: 1) Letter from Grey Cloud Island Township, dated March 14, 1997, regarding designation of County Road 75; 2) Letter dated August 25 from Resource Strategies Corporation, on behalf of the Forest Lake Township Board of Supervisors, addressing transition areas, commercial/industrial designations, and multi-family residential development; 3) Letter from Charles Blossom, dated August 26, regarding scenic roads; 4) Letter dated August 29 from CAMAS Inc. regarding scenic road designation of County Road 75; 5) Written comments from Stillwater Township addressing density, Implementation date, and other areas of the ordinance; 6) Letter dated September 2, from Kevin K. Shoeberg, on behalf of the Denmark Township Board of Supervisors, providing comments on development of the ordinance.

Commissioner Engstrom noted that prior to the Board meeting two letters were received from Mr. and Mrs. Thomas McGrath, Forest Lake Township, regarding the transition zone.

The Board Chair opened the public hearing at 7:30 p.m.

Jeff Sovereign, Landfall - Stated he has resided in Washington County his entire life. He believes clustering is optional and that it is possible that no open space or clustering will occur in the townships. He believes that incentives should be strengthened in the Zoning Ordinance. He is also concerned about

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bike trails in the County. He referred to the Comprehensive Plan and believes the definition of proposed bike trails should be identified more. The trails he is concerned with are: Continuing the Willard Munger State Trail; Connecting Highway 96 regional trail, Ramsey County, to the Willard Munger State Trail; Connecting Washington County parkway from CSAH 19 to Dakota County regional trail. Somebody has to identify where these trails are going to be. Developers are moving in and taking away the goal of this County's Comprehensive Plan. He stated there are bike trails located near a large shopping center in Woodbury that are unsafe and this occurred because of a lack of planning. Another example of an unsafe trail is in the Oakdale area near DeMontreville Lake which has a very narrow shoulder and is sandy. He thinks that with all the bikers in Washington County on the Gateway Trail, there should be a linkup between Pine Point and Marine, an off-road trail. He suggested the following ideas for safe bike trails in Washington County: 1) Scenic roads do aide in having safe bike trails; 2) Larger setbacks which would allow for larger shoulders or separate trails; 3) The Gateway Trail has to be defined as soon as possible; 4) Consider placing an overlay district for bike trails in the Zoning Ordinance. To reach the goals set by the Comprehensive Plan, areas have to be set aside for these trails.

Rick Meierotto, Afton - He thanked the Board for their hard work and the staff's hard efforts. He believes it's going to be very difficult to get some of these things implemented. He mentioned that Teddy Roosevelt had a difficult time when he was trying to establish Yellowstone Park and other parks. The Board will find a lot of arguments against long-range planning and setting aside land for the future. He feels that long-range planning for future generations is very important. Undeveloped land is an unrenewable resource, when what we have is gone you won't be able to get it back. He thinks the scenic road overlay district is a very good example of a legacy that can be left to future generations.

Robert Zick, Oakdale - He believes that the Comprehensive Plan and the development philosophy are wonderful. Long-term visionary approach is good — what's possible now won't be possible five or ten years from now. He wishes there was a way of developing an ordinance that would limit population growth. He discussed multi-use trails, because he believes that is what bike trails turn into. He asked for further information on the scenic road overlay districts. Does there have to be approval by the adjacent property owners to allow a trail, or does there just have to be conversation between the owner and the County, is that an absolute thing? When roadways are built it is nice to put shoulders on them, but paths that are actually separated from the roadways are better and those need to be defined in the plan so developers and property owners know what to expect and where that is going to happen. The trails need to be made as safe as possible.

Kenneth Tschida, Forest Lake Township - He stated he owns property in four communities in the County and over 50% of his assets are in Washington County. He specializes in land development. He's concerned about the code being discussed because it has such regulatory powers over the property owners.

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He's heard there's a race against the developers, but he believes that our children need a nice place to live. It would be nice if they could live close to their parents. One concern of a number of landowners who have talked to him is that this ordinance is becoming a partial taking. Their values are going to be different from what they are now and to what they will be afterwards. He stated there is a lot of cost that goes into development that makes property unusable. He believes that certain areas need to be protected for certain uses. His main concern is in Forest Lake Township between Highway 61 and the freeway, and between Hugo and 97. It has the metropolitan connector sewer line through it. Forest Lake Township has the ability, has public water now and is intending to do it. There has been a development of 10 acre lots in that area for residential use. This area is one of the greater assets in the north end of the County. This area needs to be protected. There's an airport coming and the County is using a rural classification for this property. There needs to be protection for the Mom's and Pop's out there who want to take their property and sell it off little by little in large parcels because they are already on a County road. It would be nice if they could sell these large parcels without a developer, without having to turn over to a developer and without having to go through a lot of problems. Sanitary systems should not be used to regulate who can put what on a piece of property. How can there be such a great difference between Chisago and Washington County when the ground doesn't change and they are side by side and Washington County's system costs three times as much as what Chisago County's system costs and their systems do function well.

Cal Bruer, Denmark Township - He stated his concern with this ordinance is strictly editorial and wishes to state his concerns for the record. When he comes to Washington County and tries to get a definition out of different individuals he has big problems. The terms he has difficulty with usually appear in Chapter Two: "Clearly indicate", page 1 - He does not know what clearly indicates means to the audience, but clearly indicate means something different to someone else. "Substantial way" - What is a substantial way? "Most appropriate", Chapter 1, page 2, number 6 - "To provide for the compatibility of different land uses and the most appropriate use of land throughout the County." He doesn't know what the most appropriate use is. He wishes it would be defined. "Wise use", page 2, number 19 - "To provide for the wise use and conservation of energy resources". He has no idea what "wise use" is. He is sure that his differs from others. When he comes to HELM and talks to those people it's going to differ, especially if he wants to build a house in a certain location his "wise use" of that property is not going to correspond to theirs. "High standard", page 2, number 9 - "To conserve and protect natural resources and maintain a high standard of environmental quality". What is it, what's a high standard? You tell me. "Rural Character" - What is rural character? Is that half acre lots, five acre lots, two acre lots like Dakota County has, forty acre lots? He doesn't know. "Gradual and equitable elimination", page 3, number 20 - "To provide for the gradual and equitable elimination of those uses of land and structures that do not conform to the standards for the area in which they are located". Who says that it's equitable when his right to build on his property is taken away? "Particular difficulty" page 32, number 276 - "Variance:

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A modification or variation of the strict provisions of this Development Code as applied to a specific piece for property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon the property....” He’s had eight years of particular difficulty with HELM, so he’s concerned and the audience should be concerned with the difficulties they are going to have in this ordinance. “Containing sufficient information”, page 33, number 291 - “Yield Plan: A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots” He does not know what sufficient information means. Perk tests, setback you name it, it’s going to be there. “Exceptional circumstances ... unnecessary hardship”, page 40, number 7.4 - “A variance is the modification or variation of the Zoning Ordinance where it is determined that, by reason of exceptional circumstances” He believes he has an exceptional circumstance, HELM doesn’t agree with him. What is an exceptional circumstance? “...the strict enforcement of the Zoning Ordinance would cause unnecessary hardship”. What’s an unnecessary hardship? How many thousands of dollars does a person have to spend to have an unnecessary hardship? It says finance is very little of it. He believes it is a lot of it. Page 40, 7.4 (3) - “Variances shall only be permitted when they are in harmony with the general purpose and intent of the Official Controls in cases when there are particular difficulties” He does not know what in harmony means. “Reasonable use”, page 40, number 7.4(4)(A) - “The property in question cannot be put to a reasonable use if used under conditions allowed by the Official Controls”. He has the greatest problem with that one. What is reasonable use? That has to be defined. Page 40, 7.4(4) “Hardship as used in connection with the granting of a variance means: (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner.” He’s attended many adjustment and appeals meetings where the poor landowners have had to jump through hoops and sometimes they got the variance, sometimes they didn’t. “(C) The variance, if granted, will not alter the essential character of the locality. (D) Economic conditions alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance”. Definitions should be asked for all of these terms he has mentioned.

Melvin Vieter, stated he has lived on County Road 15 for over 75 years and traffic on that road has gotten pretty heavy. Approximately 100 trucks an hour go by his place to the gravel pits. County Road 15 was never addressed as to what the County was going to do with that road. Are they going to leave that or will it be become a four-lane highway? His house was built in 1886 and is made of logs. It sits about 15 feet from the right of way. What is he going to do with that? Another problem he feels has not been addressed is access to the small lakes. With the development that’s going on, no access is kept to the small lakes. He’s lived around here all these years, they want to tax us, they want us to go out into a watershed district, yet when it comes to launching a boat he’s told he can’t go across that private land. They expect him to pay for their drainage, their water problems, but he has no authority to go onto that lake. He does not believe this green belt is the answer. If that is put along County Road 15 more animals will be killed, a fence may have to be placed along that road in order to keep the animals off.

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Mike Riley, Forest Lake Township - He asked for a clarification. It seems to him that everything is locked up on forty acre parcels. As the owner of twenty acres, he assumes that the RR designation would allow him to put four units on that forty acres? Ten acres on each side of him and twenty acres in the middle. Commissioner Peterson referred him to staff to answer that question. Mr. Riley thought it should be simple, if eight units were allowed on forty, you would get four on twenty. Ms. McGlothlin asked him to meet with staff and they could answer his question. Commissioner Engstrom asked that if Mr. Riley owns twenty acres, would he have the three options of development? Ms. McGlothlin indicated that the forty acres was just used as an example. The development options are available.

Jim Thurmes, Denmark Township - He stated he has lived there all his life. He wished that the Board would have a little more respect for the property owners. He owns the corner of 20 and 21. He has two people that want to buy the corner now. Is the County going to hold a setback on that, 150 feet on each road from him? Talking about the bike paths, when Afton Hills was widened it was the best thing they ever did and then the tree lovers came along and stopped them on 45th Street. Dodges Corner is an accident waiting to happen all the time.

Jim McCloud, Lake Elmo - He indicated that Lake Elmo has been one of the most aggressive communities in the Metropolitan area in regards to clustering. He believes the County could benefit from their experience. They found that preserving open space does not preserve agricultural land. The problem is that if there is a village green, or a hamlet is designed, there ends up being a lot of small areas that aren't conducive to raising corn or soy beans. Grapes could be raised, probably have a little tree farm or vegetable garden but it's not agricultural in the sense of commercial agricultural. The second thing that he wanted to comment on is that he thinks it's great that a provision is being made for an easement to a qualified land trust. They found that in some of the designs there is some space that the land trust would not accept. In that case there should be a provision for the County to receive an easement for that open space. On the bonus program, he believes it should be larger. If the idea in cluster zoning is to preserve open space, using the lot averaging program, a developer is going to jump on that before he's going to go in for two extra lots. By the time the developer puts a village green in, walking trails, pathway and the amenities that usually go with a hamlet type development, there's not going to be enough financial incentive there for him to do it. If the object is to preserve open space, people should be encouraged to get into clustering and a two lot incentive isn't going to do it. He suggests a minimum of a 25% density bonus. He's a strong advocate of transferred development rights program and he is very disappointed that the County has not seen fit to include that in the Comp Plan. Trying to preserve agricultural space by zoning is wrought with land mines. Commissioners can change, land can be rezoned. If its put into a transfer development program, those development rights are recorded on the deed, they can't be changed. Minnesota is one of the states that has no program for fund purchase of development rights to preserve key agricultural tracks. If the state doesn't provide it a

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transfer development right program with private funding would provide it. He thinks that's very important to look at. Finally, he would like to say he's heard here tonight talk about keeping the land a transition area until sewer arrives. He thinks the Board is overlooking the advent of wetland treatment systems. To a large degree they negate central sewage systems.

Commissioner Peterson indicated to Mr. McCloud, that the Board has looked at transfer of development rights, but the State at this point does not give the County that option.

Gordon Nesvig, Grey Cloud Island Township - He addressed the issue of the scenic road, specifically County Road 75 as it goes through Grey Cloud Island Township. He indicated that the Town Board opposes that designation as he does. On his property, a 150 foot setback would be like putting four city blocks end to end and then two more half blocks on the east side of 75. In that area development would be restricted. It's agricultural land right now, but that amounts to 25 and one half acres that somebody would be taking away from him when he wants to develop the rest of his land and he feels somebody should have to pay for that. This road is only two and a half miles long. There's 8.8 blocks of agricultural land at the south end which is also slated for development when the mining is completed. That's another 36 acres. The rest of the road already has development, but by creating a scenic road, all those houses will be turned into nonconforming houses because they are already closer than 150 feet from the road. There has been a lot of people coming in asking for building permits for accessory buildings, pole barns, sheds and garages because they are afraid that if the Board passes this scenic road designation they won't be able to do that any more because their lots aren't big enough. He does not see anything scenic about County Road 75 any more than any other county road. There is a portion of that road that is quite narrow and does not provide enough width to support a designated trail along the side of the road. It would require some major reconstruction to do that. Gravel trucks and people coming to get gravel are constantly going up and down that road and would provide a hazardous situation. He asked the Board to consider deleting County Road 75 as a scenic highway. He believes there are potential problems and costs to the County if that land is taken without compensation.

Bob Walls, Forest Lake Township - He indicated that he and his brother run a family farm partnership in Forest Lake Township and also in Columbus Township, Anoka County, and they have approximately 700 acres. They have a livestock operation also. He asked about the grandfathering in of livestock operations. He wanted someone to clarify for him what is meant by that. For instance, the wetlands in the pastures, there's a 75 foot setback requirement, which would virtually render every pasture in Washington County useless for cattle if that went through. He asked if they were to buy a field with pasture, would they then be required to get a permit in order to pasture their cattle in that pasture? Or, if they were to rent the pasture land to an existing farmer to use for livestock, would he be allowed to use

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their pasture even though there are farm wetlands in there now? They have extensive wetland pastures and they are doing some restoration projects in Anoka County so he is familiar with wetlands. He would like a clarification on that. Commissioner Peterson indicated he brought up a very good point and directed him to staff to review.

Mr. Walls asked about sanitary sewers in Washington County, Forest Lake Township. He is opposed to the existing ordinance where 18 inches is required above the mottled soil. He would like to know why it's necessary to go more restrictive than State law as far as septic systems? The State of Wisconsin has 6 inches above the mottled soil. He feels it's been proven that mound systems function. They have been installed in areas where they've had to go along lakes and so on at considerably less or even at no clearance above mottled soil. He wonders why Washington County is so restrictive. This is devaluing their property in this area. Commissioner Peterson suggested that he talk with other farmers in his area and arrange a time that staff could meet with them and work through some of these problems.

William Salverda, Forest Lake Township - He stated he lives on scenic drive County Road 50. He does not see any reason why anybody would want to live on one of these scenic drives, unless an incentive was given like free taxes. If a person tries to develop they're going to have to donate the land to the County, which he feels is an unfair taking. He's lived there for 38 years and it's people like him who have kept this land open for future development. The road has been widened from 66 feet to a 100 feet. The engineering department did such a poor job they put the culverts in backwards because they didn't know which way the water ran. This document contains 123 pages which take the rights away from the landowners. Mr. Salverda indicated he has had buffalo for 38 years. Maybe the County could come up with a thousand acres for them so they could have some place for them to graze a little more like they use to have.

Jerry Helander, City of Grant - He addressed part of the scenic roads provision. The proposed ordinance strips property owners of true ownership leaving them only the privilege of pay taxes on 150 more feet of their property that the County Board usurps control of. He's been a resident of Washington County for over 29 years. Rural character is space and freedom. Where neighbors of their own free will tend to prescribe to the same standards for maintaining their property, where water and sewers are usually individual, and rural buildings are allowed. The provision regarding trees on scenic roads -- he wants freedom to plant them, trim them and remove them when he decides to or needs to. He thinks that this provision actually discourages tree planting. Under the proposed ordinance he would have to ask permission to remove trees if he lived on an appointed road. Fortunately he does not, but feels for people who live on a scenic road. He believes this ordinance if passed will spread and apply to other streets and roads. He hopes that all landowners will vigorously oppose this provision. He will be willing to work with others to fight against it.

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Lee Perrault, Forest Lake Township - He believes this plan is seriously flawed. It invests all powers to a Board that is composed of County bureaucrats and another composed of unelected officials that are totally irresponsible to the taxpayer. He does not feel that their interests are being represented when it is put off to people who are unelected with no responsibility to them. If polled, few people in this County would support this plan. But the citizens will not get that chance to be polled. This plan does not serve the interests of the residents of the unincorporated areas of Washington County. It only serves the urban areas. It restricts only the townships and not the cities. They want us to provide open space so they can come and dirty up the roads and fill the ditches with cans and trash. It doesn't represent the interest of the elderly people who have sat on property for 40 years expecting that this property will be their retirement program. It's going to devalue that property. This plan is about control of the very people the Board was elected to serve. It is about regional government sponsored by another unelected board, the Metro Council, exerting extraordinary powers and control over the citizens in the unincorporated areas of Washington County. The people of Forest Lake Township have been good stewards of this land. They do not need more controls that disrupt their lives, businesses and tax base. The Town Board has done an admirable job of planning and implementing the growth in their township while keeping the taxes at the lowest rate in the entire area. He urges the Board to reject this form of tyrannical government.

Richard Aschbach, Forest Lake Township Board Supervisor. He had questions on what the term "reasonable use" is. On a township level it is not always easy to determine what reasonable use is. There are laws, ordinances and conditions that outline exactly what is to be followed but it's interesting that every time there is a regularly scheduled meeting there's some other version of this reasonable use that has to be looked into and considered. Discussion will not be eliminated by this ordinance, they will probably increase. In some ways this document is very good. In some ways there is so much definition to the document that it may be interpreted incorrectly or may be allowing extra avenues to people that didn't exist before. He is also concerned about the nonconforming portion. They have a lot of what he would consider to be nonconforming lots. They are nonconforming not to just how the ordinance has been changed, they are nonconforming because of their own beliefs as elected officials within the township. Those would be the very early plats around the lake where there are 50 foot wide lots. Over time those lots are providing people with limited means to enjoy the lake. Over time those lots are being changed to possibly somebody buying two of them and building a newer house which may or may not be in conformance depending on the ordinance and the size of those lots. He would hate to do a disservice to those people who are of limited means and those people who live on the lake--it's not wrong to have nonconforming--but what's wrong is that we force an action on their part inappropriately or too soon. He asked if it was true that the agricultural concerns in his community would be considered a grandfathered use and not have to comply with a lot of the ordinances as it relates to the setbacks and types of farming that they do as far as what's defined as a farm today versus 10 years ago, is that correct? If people have relied on certain low lands and they are kept from working that land, he believes that

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becomes a very big issue. Forest Lake Township has a very active building inspection program in their community. They are concerned about a potential bottleneck that may occur as it relates to having all building permits approved down at this level when they have to administer all of the other townships and all the building permits that occur. Lastly, two months ago they started the early planning process to comply with Met. Council to have a comprehensive plan ready by the end of 1998. He is concerned that if the County Board adopts this plan before the township has a chance to look at some of the zoning issues that they feel are important to their area, that they are going to be limited to what they can do with their area. He would like to have their planner sit down with the County staff and elected officials and work out where each person is in relation to that. Once this plan is set in place, they are required to do what everybody else does to get it changed. He's concerned that this is put in place as properly as it can be for the communities that it affects and as it relates to Forest Lake Township he feels they have to work through some of these issues.

Edward Stevens, Lake Elmo - He stated he has lived there for 36 years. He was transferred from New Jersey and thinks Washington County is a great place to live. He believes the Commissioners have done a very credible job under an extremely difficult situation. No matter what the Board comes up with somebody will find fault with it. After listening to some of the comments here, he finds that some people want more detailed definitions which would make the document even longer while others think the document is far too long and it should have only a few pages. Thinning of trees along scenic roads was mentioned and it would be difficult to get permits. They have a scenic easement on their place and thinning of forests is definitely mentioned and he does not think there would be any problem in having the County put a provision for thinning of established woodlands to improve the stand or let the better trees grow. Some people may think that since he lives in an incorporated city that he has no business talking about a subject that concerns the unincorporated areas. He and his wife have put their land in the Minnesota Land Trust and their ten acres will not be subdivided. They have taken a financial loss and feels he has put his money where is mouth is and should be able to speak about some areas that are not incorporated. There were some comments about the five elected officials are the only ones who should make the rules and there should be no bureaucracy. He does not believe five elected officials could possibly do all this work, it doesn't work in the federal government, state government, or city government and it can't work in the county government. It takes a staff of people to do these things. He believes a lot of people are homesick for a frontier which vanished a long time ago. The population has increased and is increasing radically, in the Metropolitan area it is increasing even faster. He addressed a few specific items in connection with the flyer that came around. What if any assurance is there that the open space would be preserved permanently? If there is such an assurance then the plan seems to be the same as the open space design so they don't need it. If there is no such assurance then lot averaging circumvents the minimum lot size requirement and that option should be eliminated. He thinks maintaining the open space indefinitely is a very important part. He then mentioned the open space

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ensuring that the open spaces of one development adjoin those of another one? He believes it would be desirable if these open spaces could be linked. Such a provision would very likely be perceived as another encroachment on property rights because planning for more than a single property would be required. In response, one could say that people living in these developments would have access to a wider area. Also where wood lots are concerned habitat would be provided for birds which do not thrive in small wood lots. This is another example in which in the long run everybody gains. Ownership and management of open space is another concern he has. On Chapter Four, 4.6, pages 99 and 100. The ordinance as far as he can see, does not indicate that there are variations in the permanence or the reliability of the four listed types of ownership. He does not believe a homeowner's association is dependable. Non-profit organizations such as the Minnesota Land Trust are probably the most reliable. He does not like the third option of a governmental body holding interest in real property because governmental bodies can change in every election and are not, in his opinion, reliable guardians of open space. The fourth option mentions permanent conservation restrictions and may be acceptable. Option B, non-profit organizations seems to be by far the best and he would urge the Board to give it greater emphasis.

Dennis Hanna, Supervisor, Grey Cloud Island Township - He discussed the scenic road designation. It is their opinion that if there is any scenic value to the road it's probably because the current land use controls are adequate to take care of it and they will continue to do so in the future. He thinks they have been good custodians of the land and they think they will continue to do so and they think if it looks good now it will just stay that way. He displayed a map of the township which shows they are already in a scenic overlay that is created because they are along the river. They are already impacted by one scenic overlay that covers all but a small portion of County Road 75. They do not feel they need additional regulations. The Town Board passed a resolution against this designation and there was some questions as to whether or not there was general support in the township. He introduced a petition from residents of Grey Cloud Township supporting the township position. He also introduced a letter from Grey Cloud Island Township Safety Commission stating concerns about the safety issues as a result of the scenic road designation; Letter from CAMAS, Inc., in opposition to the scenic road designation; and an editorial in the South Washington County Bulletin regarding Grey Cloud Township's position.

Commissioner Peterson indicated that they were approaching 9:00 p.m. and asked the Board members if they would like to continue, there are approximately 25 more speakers to go. She asked if they wished to continue the hearing or defer it to another night. Commissioner Hegberg indicated he preferred to continue on because these individuals have taken off the time to come here this evening and he feels it would be appropriate to hear as many as they can. It was Board consensus to continue with the hearing this evening and called for a five minutes recess.

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The Public Hearing reconvened.

Kevin Shoeberg, attorney for Denmark Township and Forest Lake Township. He believed the Board has received the Townships' comments. He addressed a couple of issues with the County Commissioners. From the Town Boards' perspective, both Forest Lake and Denmark, the process seems to be backward. Although committee meetings have been held with respect to these various chapters, the problem they are facing, particularly in Denmark, is that if you look at the ordinance itself it specifically says that these certain provisions won't apply because, for instance, the St. Croix Overlay District will apply or the shoreland district. The problem is that neither one of these chapters is included in One through Four. For them, it is difficult to comment on the document without being able to see those portions especially as it relates to Denmark Township which has a significant portion of property along the St. Croix. This is basically a criticism with respect to the process rather than saying there is something fundamentally wrong with it. It is difficult for the town boards to be able to comment to the County when that information isn't present. In addition he thinks that one of the things they have noticed from this process is they have attended several meetings with the staff since the initial draft in December. There's a perception from the residents that the County Board is trying to supplant itself for the local township boards. If a resident of Denmark or Forest Lake Townships have a problem, they will come to the town board meeting and talk to them about it. It seems that the County Board is taking on a position that it knows more or has better information than the local township officials. They do not think that is the case in fact it's the exact opposite. They also think that Forest Lake and Denmark Townships have done a good job in doing their own ordinances and in particular Forest Lake Township has hired their own planner to do their comprehensive plan. In addition, both of those townships are what they call urban townships. They have expanded powers by statute and are familiar with issues that come before the town boards on a routine basis. In looking at the Zoning Ordinance from a County perspective, there seems to be a general lack of how Forest Lake Township is set up. Forest Lake Township has its own sewer and in looking at the zoning ordinance with regards to the transition area, it appeared that it was designated to be a transition area for the City of Forest Lake when in fact there's a plan right now for the Town of Forest Lake to be able to expand its sewer, possibly put in water, and they are in the process of determining whether they are going to buy an airport. All of these areas are within the transition zone. Those are areas that the Town has been looking to do planning. Unfortunately, it appears by this document that the County Board is favoring an annexation or merger with the City of Forest Lake when in fact the Town of Forest Lake has been in a better position to be able to deal with its residents and with its budget. It has one of the lowest budgets in the metro area and they think it is a result of local control. In addition, it appears from Denmark's perspective that in reviewing the zoning ordinance there is a significant problem with the nonconformity issue, mainly because it's a larger agricultural area. In that area there are a number of buildings that sit within the first 150 feet of a scenic roadway area. In the way the ordinance is written, or is proposed to be written, there are two things that are going to impact

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the township. First of all, the residents who do have those accessory structures and so forth, if something happens to them under the ordinance they are not allowed to reconstruct those. There's a limited provision that allows the residents, if they're a principal residence and they are homesteaded, to rebuild. They believe this causes another problem and that is that a number of these properties are not homesteaded by the people who own them. They may be rented, there's situation where the farmland may be farmed by a farmer but the house is occupied by a renter. If you look at the definition of the ordinance, basically what it's saying is property has to be homesteaded by the party who owns it. They think the zoning ordinance itself is discriminatory and they feel it will impact on development in a rural area. There is a reason why there is agricultural buildings in an agricultural area. If you look at the Met. Council's plans for that area, clearly it designates that to be agricultural in use. The only portion of the township that is being contemplated as anything other than that, is a slight portion of the property along Highway 61 and Highway 10 which they understand the County is looking at rezoning to commercial/industrial/rural. The reason that the local board is better equipped to take care of that situation is that they see those people on a weekly basis. What they would like to have the County Board consider is rather than be on this quick pace to adopt the ordinance, that they allow public comments to come in. The Board has seen tonight that there has been over 50 people who want to speak to this issue and since the Comp Plan does not have to be done until December of 1998, they think there is plenty of time for the County to get that input. They also believe there have been several meetings with the County and staff and from those meetings it appears there has only been four minor changes to the ordinance. He does not believe the County is listening and they would like the Board to take a look at those issues and review them and give the townships some feedback as to why the County Board feels it is in a better position to be able to make those decisions for their residents.

Commissioner Peterson clarified a position Mr. Shoeberg mentioned and that is that the County Board has not taken a position on the merger of Forest Lake and Forest Lake Township and there was never any intention of this Board to ever take a position on that proposed or suggested merger.

Matt Barlass, Stillwater Township - He looked originally at this document and thought it was a great exercise in the impossibleness of trying to maintain a somewhat agriculture and obviously meet the demands of the future. He's not sure it still is possible. But he gave the Board credit for making a good try. He had a couple of suggestions to make and will make more technical suggestions in a letter. He feels that the bonus for clustering should be expanded in order to make it fly if that's the way this is going to go to reserve areas for open space as well as housing. Secondly, there is a need to expand the agriculture preserve definition and clarification. There are four clarifications for agriculture, but if you read all of them that is the only one that really preserves agriculture and then you don't even explain it in here. It's referred to the statute. That was a good law when it was passed in 1979 and it's still a good one today and he feels not enough of it was used in this area. He believes that if ag preserve was used

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like it should have been, about half of this document wouldn't be necessary. He stated there are very few references to the soil survey. This County spent a lot of money to have a wonderful soil survey done, it's very up-to-date and current. If you don't take into consideration the soil when you're laying out septic tanks and land use in drainage you're just blowing in the wind, because that's what really makes it tick. After the plans are already done, then it's realized you can't make water run up hill and you can't make soils work the way you want them to. There are a number of five and ten acre lots in this County that had to relocate the proposed site for the house because that was the only place the septic tank would work. He also thinks there needs to be a clarification on what grandfathering really means. The grandfather clause as it pertains to agriculture doesn't look like it's going to fit in a lot of places. He called the Board's attention to Chapter Four, p. 9, number 4, in regard to nuisances. He felt that seemed to be pretty inclusive and he does not think that too many people would qualify for that right now. That might be a little over restrictive on some of those things. On 4 (A) the word "minimum" should probably be maximum. He hopes agriculture does prevail, otherwise you might as well buy out all the farmland and buy a real estate license and go for it.

Eileen Weber, Cottage Grove - She told the Board one thing should be uppermost in their minds as they deliberate the zoning ordinance which will implement the County's Comprehensive Plan and that is that this plan has been the people's plan. This is a plan that people met and put together and the Board has adopted this spring. It reflects the overwhelming wishes of the people of Washington County and if the Board fails to enact this ordinance it is rejecting the values, efforts and wishes of the majority of the people who live in this County, who sent you here and who pay your salaries. There has been a lot of misinformation about the scenic road issue in particular. As she met with people herself in Grey Cloud Island Township and talked to them about this, the effect of that misinformation was clear. People told her that they had been told that they couldn't mow weeds, trim shrubs, prune trees, and that the County was taking their land. She believes this is not true. People told her the biggest safety problem in the area was not from bicyclists but from the trucks going in and out of the mine and the lack of a stop sign where Grey Cloud Island Drive meets Grey Cloud Trail. She was not able with the time allowed to get every household in the Township, but of the thirty-one visits she made thirty-seven people signed a petition that she read and placed in the record, encouraging the County to preserve the scenic road. She stated that what isn't being understood is that yes, everyone respects homeowners and property owners rights, but somebody owned that land before, and somebody will own that afterwards, and it is the County's responsibility to act as a steward of that so that future generations can enjoy it. The scenic road designation is just one symbolic issue in a set of larger issues about the future of Washington County and the direction of this County Board. People may not realize that the County Board changes chair every year and so what may have existed in the past there may be a different emphasis now. This year the Board appears to be retreating from its previous commitment to preserve the County's remaining rural and rustic nature by curbing the negative impact of excessive and insensitive growth. If there is one thing

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that there is a lot of consensus on in this County it is that something needs to be done about curbing the growth that this County has experienced. This Board has reversed itself this year on open space development and even declined to reaffirm its previous support for the protection of the St. Croix River under the Wild and Scenic Rivers Act. As an aside and in contrast, Congressman Luther, who is also on both horns of this dilemma, has never budged from his commitment to protecting the St. Croix. Whether or not this Board decides to keep the designated roads scenic, will send a signal to all citizens in this County about its commitment to preserve the County's best natural assets for future generations. She urges the Board to stay true to the plan that has been developed by citizens over several years and enact this proposed ordinance including the positive direction represented by the scenic road designation.

Karen Bohnert, West Lakeland Township - She stated that as a resident of Washington County for more than twelve years, she has observed the many changes that have happened as more and more people have moved into the area. If asked, most of these people would say they were drawn here by the rural character and the beauty of the County which is made even more precious because of its close proximity to the Twin Cities, Metropolitan Area. However, with development comes a possibility of unattractive and inappropriate building and alterations to the landscape. She stated she has one of these outside her window and down the street. This zoning ordinance will, as stated in the intents and purposes, preserve and protect the rural character, natural landscape and natural and scenic beauty of the County. She supports the controversial section 12.1 concerning County review of building permits. If it had been in existence several years ago that unsightly view out her window may not be there at all. She also supports the scenic roads concept and strong incentives for open space design. Both of these plans will make significant contributions towards ensuring the visual beauty of the area for those who live here, for those who drive the roads on a daily basis, as well as for those who will live here in the future. Not only will the aesthetics of the area be enhanced, but the entire area will all reap the benefits of nicer neighborhoods and increased home values. She has been following the processes involved in forming this comprehensive plan and the ordinances. She knows that concessions and compromises have already been made to certain townships and/or individuals. She asked the Board to consider the important contributions that were made this evening, but do not dilute this ordinance any further, keep it strong.

Dan MacDonald, West Lakeland Township - He spoke on the scenic roads portion of the zoning ordinance. He noted that a couple years ago the County hired someone to poll the residents, and that poll indicated that 80% of the residents wanted to keep the County rural. The staff was given a mandate, but he feels they over did it. He contends that what the public meant is that if you go for a drive in the country that means you get the feeling you're in the country, you're away from the general population, you're on a scenic road. To obtain the objective is not to put in trails with controlled right-of-ways. He feels that the scenic roads should probably not be the busiest roads in the County, but that's the way it's laid out and he thinks he can accept that. But does it make sense to take the busiest roads in the County,

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designate them as scenic, the cutting will be controlled, control the tree canopies, control the right-of-ways, stop new building within 150 feet, going to do all of this in response to the survey to "preserve the rural character". Now this plan will place bike paths on those scenic right-of-ways that have been preserved and were not there before, there will be horse trails placed in there, the ditches will be made ready for snowmobiles, and all this is a change to what these people were trying to tell the Board. He contends that these people do not want to see a lot of paved paths and a bunch of bikes and rollerbladers. He thinks that destroys the rural character which is exactly the opposite of what the public was trying to tell the Board in that survey. He asked the Sheriff if anyone from the County had approached him in the past two years of the planning and asked for his opinion of the public safety issues related to this plan? The Sheriff told him that nobody from the County or the consulting group that the County hired, talked to his department about this. One portion of the plan that doesn't make sense is that the busiest and widest roads in the County were chosen and then somebody is proposing to put trails along side these roads where all these trucks and cars are doing highway speeds, it doesn't make sense. He would suggest that trails are good, people use them, people like them that's why they get busy. He suggested keeping the trails separate from the scenic roadways so that people could feel they are driving through the country but there isn't the safety hazards. He recommended that rollerbladers, bikers, and horse trails use the abandoned railways and other places like the Gateway Trail, use the real back country roads where people don't go much. His last point is that for the residents of the cities that are either listening or watching it on TV, who feel this will not affect them, he stated this linear park plan is probably going to cost the taxpayers \$60 million for acquisition, paving costs and maintenance. It started out in the lower millions, but as the study has progressed over the last two years the number has been climbing and climbing and this will cost all taxpayers in Washington County.

Barb Sapp, Forest Lake Township, stated they live in the transition zone. They have a family farm that's been in the family for 64 years. She wanted to make two quick points. One is that they want to be grandfathered in and so far no one has been able to clarify that. That's a big concern of their neighborhood. They have seven farms just in the close neighborhoods that are working farms. The second point is that they know their farm will be developed, that's their family livelihood, that's how they are going to retire, that's an investment for their children. They went through the plan and went through the cluster housing and they thought that is a great idea for their area. They would recommend a 50% bonus for clustering and they would like to see the ten acres with a 100% bonus for clustering.

Commissioner Hegberg stated he spoke to Ms. Sapp's father who had to be out of town this evening. Ms. Sapp's father did make a point that was quite interesting. They had a gravel road turned into a tar road past the property he owns. When he was assessed for the value of that tar road on a hundred and some acres he had to pay the assessment based on a five acre. Now the County is telling him he has a ten acre minimum and he just paid his assessments. Ms. Sapp's father pointed out, that when a farm is

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looked at the County wants to maintain them but then more and more restrictions are placed on them and he said maybe he should have developed five years ago and just let his children have the money.

Norm Dupre, Baytown Township - He stated he has been farming there for about 25 years. He heard this was going on and everybody knows about it. This is his first shot at it. He heard what was outlined and he is aghast. He stated that big government is in the federal level, taking over everything they can as fast as they can. He never thought that would happen here. He finds it overwhelming to see Washington County step in and be the local big brother here. What's going on? He's about ready to develop his farm and the County tells him to put all the houses in a corner and then keep the rest of the land and maintain it. He stated he is getting older. What is going to happen ten years from now when the guy has all this vacant land out there growing weeds, all the houses are in a corner, who's going to maintain this land? Is the County going to tell him to get out there and cut the weeds, trim the trees and make it look pretty because people are looking? He's going to be the guy still owning the land isn't he? Who's going to own the land, who's going to take care of that vacant area? People aren't going to buy the vacant land, they are going to buy the lot where they build their house.

Commissioner Peterson indicated to Mr. Dupre that staff would be happy to sit down and talk to him about the clustering issues. There has not been any specific mechanism or tool that the County has come up with, there are a number of options. Transfer of development rights is a possibility where it would be in forever farmland. The other issue is that it could be owned by the County, it could be owned by various organizations that bought the land. Mr. Dupre stated that organization come and go. Ten years down the road these organization disappear, who's going to maintain the land? Commissioner Peterson stated the property owners could also own that land. There are a number of vehicles that could come into play.

Mr. Dupre stated that farmlands are high in value that taxation is going up all the time. It takes every cent of value from the animals that he raises on his 80 acres to pay the first half taxes. Every crop he can raise on that land goes to pay the second half tax. He's not talking about paying himself \$2.00 an hour even, nothing. The only chance they have is to hold on to this over valued land and develop it. Then the County's going to come in and take a whole bunch of it for themselves. People came out to Washington County because it was pretty. It is one of the fastest growing communities in the nation and people love it. Didn't the townships do anything right all these years that now they have to change and go a different route? Why all of a sudden are they abandoning all that and taking a big brother approach to this?

Dave Kleinhuizen, Forest Lake Township - He stated he may have made a mistake ten years ago when he placed his signature on the bottom of a mortgage to the tune of a quarter of a million dollars to buy

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land in Washington County and try a different form of agricultural, nursery crops. It's a good alternative because everybody knows there's no future in corn, soy bean and dairy. What really constitutes a rural character? Does that mean a tractor driving up and down the road once in a while? Does it mean a corn field? Does it mean a field of flax in bloom? To some it does. To others it may mean an antiquated silo standing in the middle of a housing development. That is the question he has asked and hasn't been given a good answer yet, other than active, engaged agriculture, producing something from the land and maintaining the land, that to him is rural character. He asked what's the definition of long-term agricultural activity, section 2, 1.4? The way he sees it he made a commitment and he is firmly rooted in his community. He has just shy of 40 acres of shade, ornamental and conifer trees planted. He has a big investment setting there and he can't just pull up and leave. Somewhere down the line he gets the feeling that — Chapter 1, p.3, (20) "To provide for the gradual and equitable elimination of those uses of land and structures, that don't conform to the standards for the area". He stated he was still in his 30's, the Comprehensive Plan runs 15, 18 years at such time that he will not be ready to retire. At some point somebody may determine that the way he's using the property doesn't conform to the standards of the area. He asked about the definition of "plant nursery" as it appears in the definition section. Since his type of nursery doesn't fall into the retail classifications that are given, he really doesn't know where he sits. He asked if he was a part of agriculture, producing a crop, or by the way it's laid out in the zoning it appears that he will be subject to a conditional use permit. The very nature of a certificate of compliance to what he's doing appears to him it's a grasp of power by the County to discretionarily dictate what ag activity will or will not be permitted in those rural character areas. This really needs to be looked at and think about what is rural character. He believes farm land should be preserved and some active agriculture in the community, not only now, but in the future as well. His kids, if they want to move into nursery business, essentially have about 45 acres to do so. They may not make a good living at it, neither will he, but if they want to they should be able to. Just because this use may or may not fit within the terms of the long-range plan--he thinks provision should be made for active involved agriculture beyond the year 2015.

Commissioner Peterson asked Mr. Kleinhuizen about a previous problem he had mentioned to her related to 300 feet between two parcels of land? Mr. Kleinhuizen stated he has some problems trying to build a building large enough to put his equipment in. Commissioner Peterson asked if that was because the land is not contiguous to one another? Mr. Kleinhuizen stated that was correct he was limited to the amount of outbuilding space he can have. Commissioner Peterson suggested that he talk to staff about that issue.

John Baird, May Township - He stated there is usually vehement opposition to anything that is proposed as new. There was vehement opposition to the Gateway Trail, which he regards as one of the great assets of this community. There was back in time vehement opposition to Yellowstone Park and he is sure there

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was opposition to practically any other thing that is valued highly. He has seen opposition to what he regards as a very significant attempt to preserve the values that make a lot of people's property sellable. He thinks that the proposed ordinances will increase the value of property in the unincorporated areas of Washington County. He thinks the cluster should be sweetened up. There should be a greater reward for clustering, otherwise he does not think developers will go for it. It's too easy to take a ruler and draw a line down the center of the 40 and just slash off lots and call it a development. He also feels that for most people a 10 acre lot is a disaster and not an advantage. It's much better to have smaller lots that people can manage. He ended by saying that the real way to save open space and preserve agriculture, if it can be done at all, would be through the transfer of development rights concept. He urged the Board and staff to further investigate to determine whether or not the legislature did or did not pass this in the last session. If it did pass then the County would have authorization for the transfer of development rights and that an attempt be made to incorporate that into the ordinance because that is the only way to really satisfy the greed factor and no ordinance is ever going to survive unless everybody's greed is satisfied.

Commissioner Engstrom mentioned that was about the second or third time that transfer of development rights was brought up. He asked the County Attorney to investigate that issue. There was legislation introduced and he's not sure what happened to it.

Pat Snelson, Forest Lake Township - He stated he has 80 acres of land, about 35 acres is swamp and under wetland regulations and about 40 acres of high ground partially fields and woods. He sees under this new zoning proposal that the remaining of his property, the high ground, is A-Z or airport zone. He had planned on building houses there some day. He goes deer hunting there, pheasant hunting and duck hunting. He would like to know what's going on? This Board comes up with these regulations that makes his property virtually useless. He's got about four acres left that his house is on and everything else is under some kind of stupid regulation. He asked what is an airport zone and what are they doing to his property?

Commissioner Peterson stated that the Board has absolutely nothing to do with the airport. She indicated she would have to defer to staff. Jim Schug, County Administrator, stated the airport zone is an overlay district so depending on where the location of the property is it may be A-4 and if this gentleman wanted to step over to staff and point out where his property is they could explain that. Mr. Snelson stated he would really rather deal with the Forest Lake Town Board. He's talked to those people before, now this is completely strange to him. He asked what was the County doing? This is stuff that he has talked about at the Town Board rezoning. He would rather deal with them.

David Frances, Stillwater Township and Town Board member - He is a former member of the late great Browns Creek Water Management Organization and participated in the orderly annexation agreement with

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the City of Stillwater and currently on the joint board with the City of Stillwater so he knows what it's like to trade land for peace. He knows what it's like to be an elected official. There are very few compliments or well done's. He gave the Board high marks and a well done for the process that was followed. However, specific to land use in Stillwater Township, which he is renaming Edina Township, he disagrees with the A-4, as John Baird said, the large lot 10 acres. He can understand the concept and the motivation and the policy that it's to preserve agricultural land but he doesn't think you can drive economics. When's the last time someone came into the township and built a farm? People come into this area to build houses and he thinks that the economic and market force is for subdivisions and developments. His main concern is that A-4, large lot is going to mean upscale developments, expensive property, 80% of the population will not be able to consider living in Stillwater Township. If he had to buy a 10 acre lot he wouldn't be here. His concern is that this will be driven to upscale developments, only going to be affordable to the very wealthy and Stillwater Township will earn the reputation as Edina Township with a half a million to a million dollar houses. They are beginning to see that now. He is concerned about the most environmentally sensitive area in the township is also zoned the most dense, single family estate. He asked that the Board reconsider that. Also reconsider A-4 to rural residential one and five. As something that is more consistent with the current character of Stillwater Township.

Brian Hursfeldt, Forest Lake Township - He is representing himself and his brother and they are dairy farmers. They own 320 acres of land and part of the property butts up to County Road 50 which is designated as a scenic roadway. He would like to go on record that they are against the scenic roadway and that they feel that the taxpayers who live along County Road 50 should be given the right to vote amongst themselves if they are willing to accept this and not having the County come in and say this is the way it's going to be. The County has to understand that anyone who owns property in Forest Lake Township or any township in this County, each of them, whether you live in the country or in the city, they all had to hold down a job to own their homes. Any money that was left over, if you live in town, you can invest your money in a mutual fund, 401(k), stocks, bonds, whatever. If you're a farmer or a landowner your money profits have to go to pay for the land and maintain that land. When the Board comes in and designates a scenic roadway where there are restrictions on for future use it's basically taking from a few individuals to benefit the whole community. It would be like if the County came in and put restrictions on the 401(k) at work and when they were going to draw off it when they retired, the County was in there to take their cut. He thinks that's wrong. He discussed Chapter 1, p. 54, section 11.8 on farming permits. That needs to be clarified so that existing uses can be continued without permit, meaning that existing farm operations are grandfathered in. In the beginning of this presentation, Ms. McGlothlin, said that there were a lot of calls in, and that the farmers that were actively engaged in farming were going to be grandfathered in. When Mr. Aschbach from the Forest Lake Town Board posed that question, he didn't get any answer from the Board. He wanted this question answered now. Are the farmers that are farming right now are they grandfathered in?

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Commissioner Peterson stated that was the proposal. She believed an earlier gentleman testified and she believes that the Board would like staff to meet with a group of the farmers to really define that so there is a more clear understanding of what's going to happen.

Mr. Hursfeldt wanted to stress that he is a farmer and not a developer, but he agrees with a couple of the farmers who were here. When cluster development is discussed they were posing the question who retains the ownership of the land and who is really going to be responsible for taking care of it? He does not feel that people can really take on more than five acres.

Commissioner Abrahamson asked that this public hearing be recessed. He knows there are a few people left who want to be heard, but he would much rather give them his attention at another continued hearing. He does not think it's fair for some of these people to be sitting out here yawning and some people are getting ready to leave, yet they want to be heard. Commissioner Peterson indicated there were 10 speakers remaining and she read their names. It was Board consensus to continue with the hearing.

Joel Holstad, wanted clarification on a couple of areas. Fritz Knaack asked him to specifically inquire if the record's going to be left opened to receive written comments for a specified period of time? Commissioner Peterson noted the record will be kept open for written comments to September 9. Mr. Holstad stated he did not need to meet with staff to clarify what an agricultural use consists of for purposes of the ordinance. He needs to have clarified that existing uses that are permitted are going to be grandfathered? It's not a definitional issue it's an issue whether or not the Board is going to attempt by zoning ordinance to take away existing uses. He thinks he has heard that is not what the Board intended. He is asking to see the language. Chapter 1, p. 54, 11.8 seems to say that staff can require a certificate of compliance for existing uses and that's the language that most particularly needs to be clarified. He's in a transitional zone, he does not have any particular problems with the ordinance, and in the three hours that he has been here he spent a lot of time with the zoning administrator and had most of his technical questions answered. He thinks this is a very useful document and he likes it. He has a couple of concerns that he is currently allowed a five acre lot density, and that's going to be changed to a ten acre density allowing smaller lots and lot averaging. That sounds wonderful because they can sell house sites on the marginal land and keep the productive farmland in farming, but they cannot do so unless the township also adopts a similar ordinance. It's his understanding that the township can be more restrictive but not less. He is asking for clarification as to whether or not the word restrictive is an issue of density or as to lot size? He feels that would be an important consideration as to whether or not the township's ordinance becomes more restrictive or less restrictive. He read the following for the record: "As an aside, I'm asking what the animal density unit of Bill's buffalo are?" Just about everything else is there except the buffalo preserve. He is one of the owners affected by the scenic road overlay district.

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He does not think that County 50 was the primary scenic road intended. They were not notified that there was an intent by the County to restrict their uses. He's not overly concerned about the brush cutting issues, but is somewhat concerned about how that will affect potential development density. If the County restricts the ability to build within 150 feet of the center line you make a large strip of land for a handful of them unable to develop that land and it doesn't do any good to have a density unit if you can't build on it. There are approximately 70 property owners affected by the County 50 scenic overlay in Forest Lake Township and it is definitely his opinion that an attempt to take away essentially developable density without compensation is a taking pursuant to the statute. He's also drawn to the rural character of the township and the County as a whole, but he can't presume to tell his neighbors how they should use the land unless he pays for that right and he does not believe the County and those property owners who wish to preserve the rural character should presume to tell them the same. His family paid for over 50% of the paving cost of Harrow because of the way the land laid out. That road was paid for on the assumption that there were five acre lot sizes and without the clarification as to how the township ordinance may conflict with that they may have been forced to pay for 3/4 of a mile of road without having the benefit that they were assessed for them. He believes that also may constitute a taking.

Phil Moosbrugger, West Lakeland Township - He congratulated the Board on creating what he thinks is overall an excellent ordinance. He had one technical question that he noticed that might be a problem and that's with the accessory structures. This is Chapter Four, p. 5, 1.2(2)B) and it says "No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot unless all of the following conditions are met:" One of the conditions listed is that the exterior design and color and so forth has to be the same as the principal building. He suggested that in some cases where there is a principal structure, a home, that is way back from the road you don't really need to say that the accessory building has to be further back than the principal structure. If the principal structure is 300 feet off the road it doesn't matter if an accessory structure is constructed say 200 feet off the road because you're not really going to see either one of them from the road. He thinks it should say that it has to be as far back as the principal structure or 150 feet. Otherwise this makes somebody who's got this accessory structure completely out of view required to conform to the requirement that the exterior design has to be the same. He thought overall the efforts to preserve the rural character of the County by means of the ordinance are laudable and it will create an attractive environment for people to live by doing this. If development is just allowed to occur in a willy-nilly fashion trusting the landowners to make good judgements, it will end up with a place that people won't want to live. Contrary to a lot of comments people think that this infringement on their ability to develop as they wish detracts from the value of the land. He thinks maintaining an attractive rural environment enhances everyone's property values. He applauds the Commissioners in making an effort to do that. A speaker from Baytown Township stated he would like to keep farming but he's basically being taxed into and forced into developing his land and

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is not able to continue farming because it's becoming economically impossible for him to do so. He does think that is a concern. The Commissioners have indicated, and he thinks everybody agrees, that they would like to preserve people's ability to maintain this open space, maintain this rural character. Although it's not part of the zoning plan, he thinks that the Commissioners would do well to try to do what they can to refrain from forcing someone into developing their land by tax policies or whatever it is that forces people to sell their land that may want to maintain open space and rural character. One final point regarding the scenic road, linear park idea that has been criticized to some extent. He would like to applaud the Commissioners for proposing that and making that a part of the ordinance and part of the Comprehensive Plan. That is another thing that is being done that will make Washington County a pleasant place in which to live for many years to come and for generations to come. He suggested that County Road 10 as it goes through West Lakeland Township, the shoulders were just paved this summer, he thinks it would be good to designate that to be a bike trail to tie in with the other bike trails that exist in the County and notably the Lake Elmo Park Reserve area. If the County were to designate that as a bike trail, put up appropriate signage, paint the shoulder of the road indicating that's a bike trail, it would make motorists more aware. The road gets some pretty fast traffic on it, some people tend to use the newly paved shoulder as a another lane of traffic. That is a very dangerous situation for bicyclists, little children and adults alike.

Lynn Utecht, Grey Cloud Township - She lives on County Road 75. She asked one question, does any member of the Board live on a designated scenic road? She asked if they knew what that was going to do to her investment in her house? She bought this house as an investment, and she put all her money into this house. She lived hand-to-mouth and planned on using this as a future retirement nest egg. In one swoop the Board has taken that all away in making her lot nonconforming. She can't do anything to her property. Where the 150 setback is, the only thing she can do is add a small kennel she has in her backyard. She built a nice garage because the one that was with the property when she bought it nine years ago, the property was a tar paper shack, condemned. They had to tear the garage down. She stuck about \$20,000 into a new garage three or four years ago. What will happen if that garage burns down? She can't rebuild it, she will not have a garage. She doesn't have enough setback on the back property to build a garage. She is not the only one with this problem. There are seven neighbors that are in the same situation. The Board is also taking away their initial investment. The people who come and say this is going to be a good deal, they aren't invested in it. A bike path cannot be placed on County Road 75 because there are no shoulders. If a bike path is placed there it will cost hundreds of thousands of dollars. At the end of County Road 75 out of St. Paul Park you hit Cottage Grove. Have you seen the condition of their roads? Cars can hardly be driven on it much less a bike. She asked the Board to rethink the scenic road designations especially County Road 75.

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Steve Biscoe, Denmark Township Town Board - He is representing himself as well as Denmark Township. This is a very touchy issue tonight with the scenic roads. He also feels that scenic roads need to be seriously addressed especially the people who live within the 150 foot right-of-way. He feels this is a taking of the land. There will need to be some provisions in there for these people that live in these 150 foot right-of-ways if the Board is not going to allow them to rebuild their homes or to use their land as they are permitted as this last gal who doesn't have enough room within this 150 feet to build her garage if it needed to be. There needs to be further work on the scenic roadway provision. Everybody talks about keeping this as rural and to keep the farmers. At the same time, as the Board heard tonight, there are a lot of farmers in the northern portion of the county who feel there's a problem with taxes, problem with this 150 foot setback. Some more work needs to be done on that. On this scenic roadway, he feels that if this is pursued, the cutting of dead trees should not be an issue and he does not think a person should have to get a certificate of compliance to cut a dead tree. Requiring a conditional use permit for farmers to expand — If a farmer wants to add cattle over and above his 11 head which is permitted, in some cases it says 49, depends on how this is defined — He feels some work is needed with that area. Property rights — He referred to the survey where 80% of the people say they want to keep it rural, he would like to know how many of that 80% have their money invested in real estate such as the farmers. This plan has a lot of hard work put into it, but he thinks in some areas there is more work to be done.

Bob Lenwood, Forest Lake Township - He addressed the taking away of building permits and building inspections from local government. He feels this is an elevation of cost and people to run this program. All he heard tonight is more and more government. Part of the permit thing if somebody, according to what he's reading, if somebody wants a permit and there is some question on it they are going to have to go through what is about as close to a Phase I environmental study as you can get. One of those things cost \$10,000 to \$15,000 depending on what it is, it may even cost more. Affordable housing, he thinks the gentleman from Stillwater Township mentioned Edina Township, is that all who will be able to afford to build here because of the bureaucracy in the building permit situation and what it's going to take to get a permit? He believes the cost will be prohibitive for the average person. To get this permit after this study, you're talking about appointed people not elected. Who are they responsible to? Every time he's seen appointed people they are appointed because they favor a political agenda. Elected officials have to be accountable. He heard more and more government from the various people that stood up here tonight. There are inspections for brush cutting, tree cutting, who's going to police all of this? They will have to build about three new buildings like this one to hold the people to supervise all these things. He finds it interesting that most of the city people really want this plan, but most of the rural people do not. Maybe some of the city people should go out and buy a piece of property in the rural area and either donate it or live there themselves, then they would be able to preserve their rural area. There seems to be more and more rules — 150 feet taken off for the scenic roads, set aside plan, who's going to maintain

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this? It seems like more and more land is being taken off the tax roles and there is an increase in the bureaucracy and more people are being hired to police this. He thinks this should be looked at a little stronger.

Dick Tschida, Supervisor, Forest Lake Township - He has been through the meeting process with this Board several times and he's heard the rhetoric from this Board that it is returning the powers to the townships. What he has seen this evening, and after a lot of time on the Comprehensive Plan, he has found that the term "good planning" being an umbrella to take advantage of the current township landowners to fulfill the agenda of the urban communities. For many years the Forest Lake Township has been controlled by the Metro Council through the MUSA line approach and on the other side been controlled by the County by the way they determine the onsite sewer requirements. Up until the recent time, the County has been twice as restrictive as what the State requirements are. It appears to him that this is a process of down zoning of landowners property, taking away the opportunities for a number of these people to be able to look forward to develop their property in such a way, and in a way they were guaranteed at the time they purchased the property. He thinks that good planning is really in the eyes and the agenda of who has proposed the document. He sat in on these meetings and returned thinking that a lot of the comments that they made fell on deaf ears because they did not see any of the issues being brought forth in the new revised documents as it was being produced. He almost fell for one of these issues regarding the individual sewer treatment system ordinance. The statement on the front, the County's draft ordinance language is substantially the same as the minimum state rule. Where the County's proposed language is different from that state rule a language is highlighted in the text. If you were a novice you would have gone to sleep and put the book away. He's been a town board member for 12 years so he read it. He found in the first 10 pages, which were definitions, 50% of those pages had highlighted items. He looked to the next 49 pages and 60% of those pages have been changed by those people that generated this document. That doesn't sound like it's similar to the State, it sounds like it is a breach of what the State's intent for onsite sewer systems are. The reason they have not been able to develop much of the land and give the opportunities to the landowner in Forest Lake Township is the fact that they've been controlled. This is what they object to. He's an elected official. He has an obligation to represent that community that put him in office and do that to the best of his ability sharing their philosophy and vision for the future. In no place does that statement include the vision of Washington County.

Mark Mueller, New Scandia Township - He asked if the Board will implement or decide when this is a done document, is that correct? Commissioner Peterson stated that this will be brought before the Board. Mr. Mueller confirmed that it was not a referendum. He asked a question on cluster development and basically how much of a bonus will be needed to get people to accept this sort of thing. He believes there

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are four different options now as far as what happens to the land that's not built upon, yes? If there isn't some sense of permanency to this, if he were thinking skeptically, it's clustered once, and the original developer is free and clear depending on who owns this land now, it's basically undeveloped, maybe then in a revised zoning ordinance it may be declared developable again. That's a question of whether that really accomplishes the purpose for a clustered development. That seems like an issue that should be addressed because it's a fairness and honesty type thing. Another comment he had was on the scenic roads. He likes scenic roads, but they live close to highway 3 which is scheduled for renovation over the next two summers. He was surprised to see in the Star-Tribune the map of scenic road designations in Washington County because from the description of the plans for the road from the road department and the description of a scenic roadway the two do not match very well at all. They will be straightening out the big S-curve south of Scandia and raising the speed limit on a wider road. That's fine for some purposes, but it certainly hasn't made it more scenic.

Commissioner Peterson advised Mr. Mueller, that on September 23 there is an agenda item to adopt the zoning ordinance. There also is a public hearing on the individual sewer treatment system ordinance at 5:30 p.m.

Rita Moosbrugger, West Lakeland Township, thanked the Board for trying to devise a plan that will preserve the openness of the County as much as possible in view of the growth that has taken place and the growth that is expected. She knows there will be much opposition to what the Board has done, but she wanted to thank the Board for it. She agrees with most of what the Board has devised. She thinks there is a lot of misunderstanding about it. For example, cluster housing and the use of the unused or unlive in open areas. This has been done in other parts of this country and it has been done successfully. That is why Washington County listened to those people who have had experience elsewhere and accepted this as a way to keep the beauty and the openness of this County as much as possible. She thinks the same is true of the scenic road plan. Some people, she thinks, were confusing it with the linear parks plan which involves trails. This, as she understands, does not, it is simply an effort to keep roads and areas as beautiful as possible. A lot of people have said that this will lower the property values. She cannot see that. She does not live on a scenic road, but she is sure that beauty will enhance a property value. There are hardship cases which they have heard tonight. She thinks they should be addressed and she is sure it will be by the County by means of variances. Overall, she applauded the Board for what has been done. She is in favor of all the efforts to keep this County as open and as beautiful as possible.

Kevin Nicholson, New Scandia Township - He stated that a very large part of New Scandia Township is being down zoned from five acres to 4/40. It's affected them rather dramatically. The Town Board requested a delay in adopting the new ordinance and he was wondering if the Board has acted on that at all. When would the Board plan to? He asked if the 23rd was the date they decided on adopting the

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ordinance? Commissioner Peterson indicated that would be correct. It was decided by the Board that it would stay on the schedule that was set. Mr. Nicholson asked if there was not a motion to ... Commissioner Peterson indicated there was no motion taken, the Board did not change its direction.

Mr. Nicholson asked if the Board expected to adopt this on the 23rd? Commissioner Peterson indicated yes. Mr Nicholson stated that Mr. Walls was talking about wetlands in pasture and he hadn't really realized that, but was it the intent of this ordinance to fence off wetlands from domestic animals? Commissioner Hauser stated that was certainly not the intention. Mr. Nicholson stated that's the way it reads. He suggested that one, it would be extremely difficult to do; and secondly, if the intent was to protect the wetlands, he thinks it's in the ordinance already and that is that you require two grazable acres per animal. So if there is a ten acre lot and somebody wants to have some domestic farm animals like a horse, that is in the ordinance, they are not going to have too many animals on that property already. The protection is already there. He does not think it is necessary to require property owners to keep their animals out of the wetlands. It seems to him unenforceable. This will have to be taken down to the township level. The five and ten and fifteen acre lots are always the problems. Small lots are no problems because they can't have animals. The large 20, 30 and 40 acres lots aren't a problem because they are typically farms. He hopes that the Board will look at that. The third thing he wanted to mention was that he liked the subdivision ordinance that was proposed because there are a lot of options given. They can go with the open space design, lot averaging or conventional subdivision. He also thinks that in the A-4 districts, which is a very large part of the County, that the incentive for clustering isn't adequate. He feels it should be close to 100%. This ordinance looks good on paper, but if nobody clusters as a result of it because it isn't attractive enough it isn't going to do much good.

Dennis Seefeldt, New Scandia Township Town Board - He has heard many people say tonight that this Board doesn't listen. He pointed out two facts that they do listen. The Scandia Town Board had concerns, one with regard to rounding up and the other was simplifying home businesses. They had expressed those concerns and those were both adopted in the current recommended ordinances. He agrees with a lot of people, including Kevin and some of the other people, John Baird and so on, about the emphasis on clustering and larger bonuses. If you look at what is happening across the country, sooner or later development will occur. If clustering is in place, more open space can be maintained than with a cookie cutter approach. He also agrees with others regarding larger bonuses including 100% would make a lot of sense and encourage people to do that. There would also be less hardship for Scandia Township. As Kevin pointed out, Scandia rezoned for five acres and this plan calls for ten. Going from five acres to ten acres has caused more development, or plans for more development, in their township than they probably would have gotten otherwise because people are currently in the situation where they can still get five acres where it will be going to ten acres. In conclusion, he stated that this plan is not perfect, but he does not think it's as scary as a lot of people have said tonight. He believes there's more

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latitude for local control than a lot of people think. He thinks they need to study it and make the plan work for them.

Dick Polta, Grey Cloud Island, spoke on two issues. He stated that an individual spoke about accessory buildings and where they were located. It says they can't be closer to the road than a permanent building. Where he is there is everything from 40 foot lots to 30 acres lots. In a lot of cases its physically impossible to put the accessory building closer to the road. If you put it behind the building it would be on the bluff of the river or in river. That could be taken care of by eliminating in Chapter Four, Section 1.2 (C) the following: "2. The exterior design and color of the accessory structure is the same as the principal building; and..." If that was eliminated it would be okay and it would leave it up to the local unit of government to decide. The other concern he had was on this scenic road. He thinks it's a good idea, but the Board has to take a look at what it's doing to the existing people, not just in Grey Cloud Island, but throughout the whole County. He sits on the Planning Commission and he sees the people come in, they don't have a lot of money, they don't have big lots. If they want to build a porch in the front or a deck on the front or a detached garage, they don't want to have to go through the variance process all the time to try and allow them to get these structures in there. On existing structures the ordinance should be reworded so that people don't need the variances. They have to be able to rebuild their outbuildings, add on to existing structures and build garages and stuff like that.

Commissioner Peterson asked for further comments from the audience; none were heard.

Commissioner Engstrom moved to close the verbal portion of the public hearing and allow written testimony to be submitted until September 9, 1997. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Commissioner Peterson thanked the audience for the respect they showed to one another's differing opinions during this public hearing.

ADJOURNMENT

There being no further business to come before Board, Commissioner Engstrom moved to adjourn, seconded by Commissioner Abrahamson and it was adopted unanimously. The Board meeting adjourned at 10:55 p.m.

Attest:



James R. Schug

County Administrator


Myra Peterson, Chair

County Board

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
SEPTEMBER 9, 1997**

The Washington County Board of Commissioner met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson and Engstrom. Commissioner Hauser absent. Board Chair Peterson presided. Also present were Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney, Dan Papin, Community Services Director; Cindy Koosmann, County Recorder; Don Theisen, Deputy Public Works Director; Bob Turrentine, Assistant County Attorney; Sue Tice, Assistant County Attorney; Richard Hodsdon, First Assistant County Attorney; Jay Brunner, Legal Office Coordinator; Wes Butler, Washington County HRA; Jane Harper, Principal Planner; Konrad Koosmann, Soil and Water Conservation District; Mark Doneux, Soil and Water Conservation District; Matt Moore, Minnesota Board of Water and Soil Resources; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Engstrom to adopt the following Consent Calendar:

1. Approval to appoint Randall Samuelson, Marine on St. Croix, to the Washington County Housing and Redevelopment Authority, to fill an unexpired term to December 31, 2001.
2. Approval to appoint Alice Smith, Mahtomedi, to the Historic Courthouse Advisory Council, to fill an unexpired term to December 31, 1998.
3. Approval of abatement applications for refund of Green Acre payback as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Amount</u>
R 03.028.21.14.0004	Pfaff, John B	\$9,074.28

4. Approval of contract amendment with Rule 36 Limited Partnership of Duluth III for Residential Services at Hamilton House in Lake Elmo.
5. Approval of amendment of Lease No. I-2828 #3 with the Department of Corrections for the rental of Building No. 47, the adjacent yard area, driveway and parking area at the Minnesota Correctional Facility-Stillwater.
6. Approval of agreements with the Cities of Cottage Grove, Birchwood and Lake Elmo and authorize payments for distribution of curbside recycling funds in the amount of \$143,491.

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6. Adoption of **Resolution No. 97-118** as follows:Final Payment to Daffinson Asphalt for
Crackseal Project on Various County Roads

WHEREAS, the Washington County Board of Commissioners, on August 5, 1997 signed a contract with Daffinson Asphalt for provision and installation of Crackseal as a maintenance project on various County roads; and

WHEREAS, Daffinson Asphalt, has satisfactorily completed all work in accordance with the terms and conditions of the contract.

NOW, THEREFORE BE IT RESOLVED, that Daffinson Asphalt be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

7. Adoption of **Resolution No. 97-119** as follows:Final Payment to Orr Schelen Mayeron & Associates for
Engineering on HVAC System

WHEREAS, the Washington County Board of Commissioners, on December 12, 1995 signed a contract with OSM & Associates, Inc. to provide mechanical engineering services for West End Mechanical Modifications project within the west wing of the 1968 addition of the Government Center; and

WHEREAS, OSM & Associates, Inc., has satisfactorily completed all work in accordance with the terms and conditions of the contract.

NOW, THEREFORE BE IT RESOLVED, the OSM & Associates, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

8. Adoption of **Resolution No. 97-120** as follows:County Engineer to Establish a No Parking Zone
at the Gateway Trail Crossing of CSAH 12

WHEREAS, the Gateway Trail, a State Trail, crosses CSAH 12 in the City of Grant; and

WHEREAS, as a traffic safety consideration "No Parking" zones were established at the northeast, northwest, and southwest quadrants of the trail crossing; and

WHEREAS, after the establishment of those "No Parking" zones, parking in the southeast quadrant has caused safety concerns and problems for the adjacent landowner; and

WHEREAS, the County Transportation Engineer and the DNR trail manager agree that these problems can be alleviated by establishing a "No Parking" zone at the southeast quadrant also; and

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WHEREAS, the Minnesota Department of Natural Resources has agreed to perform landscaping work at this quadrant to discourage parking.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes the County Engineer to establish a "No Parking" zone in the southeast quadrant of the Gateway Trail crossing of CSAH 12 and to erect and maintain appropriate signing.

9. Bids were received for construction work on 60th Street Bridge in Afton as follows:

Park Construction	\$157,990.00
Landwehr Construction	158,705.00
Midwest Contracting LLC	162,695.00
Ro-So	219,547.50
Jay Brothers, Inc.	266,858.54

Adoption of **Resolution No. 97-121** as follows:

Award of Bid to Park Construction Company for
Construction of 60th Street Bridge in Afton

WHEREAS, in order to complete bridge replacement in the City of Afton, the County solicited bids for this project; and

WHEREAS, bids were opened on August 18, 1997, with Park Construction Company being the lowest responsible bidder; and

NOW THEREFORE BE IT RESOLVED, that the bid of Park Construction Company be accepted and the County enter into a contract with Park Construction Company under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the County and Park Construction Company be executed through the signatures of the Chairperson 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 the plat of Keller Farm Country Estates, May Township.

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

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PUBLIC HEARING - PUBLIC WORKS DEPARTMENT**Proposed Abandonment of Joint Ditch No. 1**

The Board Chair presented an overview and the process that will be followed in today's public hearing to consider the proposed abandonment of Joint Ditch No. 1.

The Secretary to the Board read the notice of public hearing into the record.

Don Theisen, Deputy Public Works Director, presented a chronology of the history of Joint Ditch No. 1 from 1904 through 1997. He indicated that this information was also presented at the Joint Ditch Board Public Hearing on August 19, 1997. He identified its location on a map and outlined the following reasons for proceeding with the abandonment of Joint Ditch No. 1: 1) The capacity of Joint Ditch No. 1 is currently 37 percent of its 1904-1994 capacity as established by the June, 1995 RCM report; 2) The function of the ditch is no longer agricultural in that 80.9 percent of the drainage to the ditch is from Forest Lake and 6 percent is from the City of Forest Lake; 3) Zero percent of the land drained by the ditch is land converted to an agricultural condition which would allow reasonable farming operation; 4) The cost to repair the ditch exceeds the benefits as established by the February 26, 1996 Joint Ditch Board Order denying the Repair Petition and the July 22, 1996 Joint Ditch Resolution accepting the redetermination of benefits; 5) The environmental impact of repairing the ditch precludes any repair work being done in accordance with the comments received by the Joint Ditch Board in connection with the Repair Petition proceedings; 6) Existing regulatory agencies provide protection; 7) There has been a decrease in runoff into the ditch as a result of the City of Forest Lake adopting and implementing runoff rate controls for new development and the Bixby Park improvements; 8) Washington and Chisago Counties have authorized the filing of a Petition with the Board of Water and Soil Resources, creating a watershed district to manage the area; and, 9) The character of the area has changed from agricultural to a more urban character.

The Board Chair opened the public hearing for comments; none were heard.

Commissioner Hegberg provided additional reasons for abandoning Joint Ditch No. 1. He believes one of the areas of the petition was for redetermination of benefits and repair. The other is there are conflicts of law between agricultural law and the wetlands law and that is a big reason for considering abandoning the ditch. The changes in the uses also in the freeway, Highway 35 and County Road 8 and the expansions that have taken place there. The area around Forest Lake has changed substantially in its use over the last 40 or 50 years.

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The public hearing was closed at 9:20 a.m. The Board secretary indicated that she did have all the documentary evidence on file.

Commissioner Engstrom asked when this would be in effect. Bob Turrentine, Assistant County Attorney, stated that Chisago County held its public hearing on this matter last week. It is his opinion that when the Board acts upon the formal resolution next week, and if Chisago County has acted on its formal resolution next week, then next Tuesday would be the effective date of the abandonment of Joint Ditch No. 1. Commissioner Hegberg stated there was a process of appeals, if there are appeals. Mr. Turrentine indicated that there is no statutory appeal process, this would have to be appealed to the Court of Appeals and there is a 60 day window to appeal the order abandoning Joint Ditch No. 1. Commissioner Hegberg asked if the Joint Board is also going to abandon this ditch, it can make that after the County's, is that correct? Mr. Turrentine stated that was correct.

Commissioner Hegberg moved that Joint Ditch No. 1 be abandoned based on the rationale presented. Commissioner Abrahamson seconded the motion and it was adopted unanimously; Commissioner Hauser absent.

The County Attorney's Office was directed to prepare a resolution affirming the Board's action for next week's agenda.

Commissioner Hegberg asked if the resolution adopted last October to establish a watershed district for Joint Ditch No. 1 was a joint resolution with Chisago County. Mr. Turrentine stated that the petition has been sent to the Washington County Chair and Administrator for their signatures, then it will be forwarded to Chisago County for their Chair and Administrator's signatures, it will then be returned to the County Attorney's Office and he will file it with the Board of Water and Soil Resources. The Board of Water and Soil Resources will probably issue an order at its October meeting, either referring it to an administrative law judge for hearing or referring it to its entire board for hearing.

Commissioner Hegberg asked what would happen if Chisago County does not follow through. Will Washington County need to have a separate resolution if it wishes to go ahead without Chisago County? Mr. Turrentine indicated that was correct, because the petition was styled as both Counties having 100% of the property within its collective jurisdictions. If Chisago County for whatever reason chose not to sign the petition, then Washington County would have to redraft the petition because the petitioners and the amount of property that it has under its control is a jurisdictional issue. Commissioner Hegberg asked if Washington County went ahead by itself, would that have the effect of producing a watershed on its side of the county line? Mr. Turrentine stated it is his belief that if Washington County can create the jurisdictional facts, if Washington County owner controlled enough land in the hydro geological area of

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the district, then even though we are in Washington County, it would be possible for us to petition BWSR for a watershed district for that entire area. He wasn't sure if Washington County owner controls enough land to meet that jurisdictional standard. Commissioner Hegberg asked staff if they could gather that material so that if Washington County has to go alone on this issue that we are able to proceed. He thinks that if Chisago County should give more time then recognize that it will produce a problem of losing that money from the State. He does not want to be the one holding that ball game up. He asked staff to work on that and bring back a resolution for next week's meeting.

COUNTY ATTORNEY'S OFFICE

Richard Arney, County Attorney, presented his department's 1996 Annual Report.

GENERAL ADMINISTRATION

Special Levy Legislation for the Housing and Redevelopment Authority

Commissioner Engstrom moved to adopt **Resolution No. 97-122** as follows:

Resolution Enabling Special Levy Legislation for
the Washington County Housing and Redevelopment Authority

WHEREAS, the 1997 Minnesota Legislature enacted 1997 Minnesota Laws Chapter 231, Article 2, Section 58 which is special legislation allowing Washington County the discretion to impose an excess levy on behalf of the Washington County Housing and Redevelopment Authority; and

WHEREAS, the excess levy authorized by the special legislation is in an amount not to exceed \$2,000,000 over a ten-year period beginning in 1997 for taxes payable in 1998; and

WHEREAS, the Washington County Housing and Redevelopment Authority may use the proceeds of the excess levy to support the activities of the authority, which may include refinancing of indebtedness of the Authority in the City of Landfall; and

WHEREAS, the special legislation requires approval of the legislation by the Washington County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners grants its approval of 1997 Minnesota Laws Chapter 231, Article 2, Section 58.

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

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Proposed Budget for Payable 1998Commissioner Abrahamson moved to adopt **Resolution No. 97-123** as follows:**Resolution Adopting the Washington County
Proposed Budget for Payable 1998**

OPERATING FUNDS	EXPENDITURES	REVENUE OTHER THAN LEVY	FUND BALANCE INC.(DEC)	GROSS LEVY	HACA	CERTIFIED LEVY
General Government	\$53,792,100	\$27,368,900	(\$1,717,500)	\$24,705,700	\$3,670,081	\$21,035,620
Workforce Center	1,189,000	1,060,700	0	128,300	19,059	109,241
Veterans Services	<u>133,400</u>	<u>0</u>	<u>0</u>	<u>133,400</u>	<u>19,817</u>	<u>113,584</u>
General Government Total:	55,114,500	28,429,600	(1,717,500)	24,967,400	3,708,957	21,258,445
Social Services	25,100,900	13,556,000	(431,400)	11,113,500	1,650,932	9,462,568
Public Works-Road & Bridge	13,863,200	9,279,400	(330,000)	4,253,800	631,910	3,621,890
Public Works-Parks	2,460,600	1,316,700	(671,600)	472,300	70,161	402,139
Regional Rail Authority	13,300	0	188,700	200,000	0	200,000
Library	3,926,700	254,600	0	3,672,100	545,498	3,126,602
Debt Service - County Wide	6,916,500	1,000,100	460,600	6,377,000	947,316	5,429,684
Debt Service - Library District	158,000	12,800	(25,200)	120,000	17,826	102,174
Brown's Creek Watershed District	<u>81,000</u>	<u>0</u>	<u>0</u>	<u>81,000</u>	<u>0</u>	<u>81,000</u>
Subtotal:	\$107,634,700	\$53,849,200	(\$2,528,400)	\$51,257,100	\$7,572,600	\$43,684,500
<u>CAPITAL FUNDS</u>						
CIP Bond Project	747,000	0	(747,000)	0	0	0
Historic Courthouse Restoration	57,000	58,200	1,200	0	0	0
Capital Repair Fund	<u>240,000</u>	<u>250,000</u>	<u>10,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal:	\$1,044,000	\$308,200	(\$735,800)	\$0	\$0	\$0
Total 1998 Budget	<u>\$108,678,700</u>	<u>\$54,157,400</u>	<u>(\$3,264,200)</u>	<u>\$51,257,100</u>	<u>\$7,572,600</u>	<u>\$43,684,500</u>

Commissioner Engstrom seconded the motion and it was adopted unanimously; Commissioner Hauser absent.

CERTIFYING PROPOSED PROPERTY TAX LEVIES FOR PAYABLE 1998Commissioner Engstrom moved to adopt **Resolution No. 97-124** as follows:**Resolution Certifying Proposed Property Tax Levies for
Washington County Payable 1998**

The Washington County Board of Commissioners does hereby certify to the Washington County Auditor-Treasurer the following proposed tax levies for payable 1998:

Washington County	\$ 43,403,500
Washington County Regional Rail Authority	200,000
Brown's Creek Watershed Management District	81,000
Washington County Special Levy for the Washington County Housing and Redevelopment Authority	200,000

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

Commissioner Engstrom moved to adopt **Resolution No. 97-125** as follows:

Resolution Certifying Proposed Property Tax Levy for
Washington County Housing and Redevelopment Authority
Payable 1998

The Washington County Board of Commissioners does hereby certify to the Washington County Auditor-Treasurer the following proposed tax levy for payable 1998:

Washington County Housing & Redevelopment Authority	\$1,126,500
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Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioner Hauser absent.

Update and Direction on Brown's Creek Water Management Activities

Matt Moore, Minnesota Board of Water and Soil Resources, presented an overview on the status of the establishment of the Brown's Creek Watershed District. He indicated that a public hearing has been scheduled for September 17, 1997 at 10:00 a.m. in the Stillwater City Hall, to receive comments on this petition. It was his belief that the hearing will be opened and closed on the same day and a recommendation will be forwarded to the Board of Water and Soil Resources at its October meeting at which time the establishment of the Brown's Creek Watershed District should occur. A list of nominees will be collected from the County and interviews will be held for potential candidates for the district manager positions.

Commissioner Abrahamson stated he hoped the date and time of the meeting would get out to the papers. He feels that an important issue like this should be held in the evening when more people can attend and interested individuals do not have to take off work and lose pay or vacation time.

Jane Harper, Principal Planner, discussed the status of the various activities that the County initiated as the Brown's Creek Water Management Organization. She outlined what the WMO will do prior to establishment of a watershed district and what the new watershed district will need to do. The first item she discussed was the Brown's Creek Water Management plan amendment.

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Commissioner Abrahamson moved to set the public hearing to receive comments on the Brown's Creek Water Management Organization Plan Amendment for October 7, 1997 at 7:00 p.m. Commissioner Engstrom seconded the motion and it was adopted unanimously; Commissioner Hauser absent.

Ms. Harper indicated that once the public hearing is held, responses will be made to the comments and a final plan will be submitted to the state agencies. At that time, staff suggests turning the plan over to the watershed district for the remainder of the review process. She feels it will take five to nine months to receive all of the final approvals of the plan.

Commissioner Abrahamson moved that once the public hearing is held on the Brown's Creek Water Management Plan and comments responded to, a final plan will be submitted to the state agencies then the Brown's Creek Water Management Plan will be turned over to the Brown's Creek Watershed District for the final review process. Commissioner Engstrom seconded the motion and it was adopted unanimously; Commissioner Hauser absent.

Ms. Harper indicated that the Legislative Commission on Minnesota Resources has provided the Board of Water and Soil Resources with \$250,000 to do a trout habitat preservation project in Brown's Creek with a focus on alternative management strategies. Staff suggests that the WMO complete the workplan, seek input on the workplan from communities and other key constituencies, then the Watershed District would implement the workplan.

Ms. Harper then presented an overview of the hydrologic/hydraulic study. She indicated that the Department of Natural Resources has made available to the WMO \$30,000 in matching funds for a hydrologic study of the Brown's Creek Watershed. The Board in its levy approval this morning, included \$40,000 to match that grant. Staff is requesting direction on whether or not the County should seek bids for the hydrologic/hydraulic study, and whether or not the project would be monitored by the County until completion before turning it over to the watershed district. Mark Doneux, Soil and Water Conservation District, provided a brief description of what that study would involve.

Commissioner Engstrom moved to authorize the request for bids for a hydrology and hydraulic study and that the County will initiate the project until completion before turning it over to the watershed district. Commissioner Abrahamson seconded the motion and it was adopted unanimously; Commissioner Hauser absent.

Ms. Harper stated that the WMO has contracted with the Soil and Water Conservation District to evaluate the need for additional regulation or oversight of land development activities in the watershed. She

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indicated that the SWCD has begun to inventory the status of the local water management plans and official local controls within the Brown's Creek Watershed. If the Board wishes staff to do more work, she indicated there probably would be dollars left within the contract that goes through the end of the year. She was not sure how much work would be needed to determine the adequacy of the local controls. They do not know what is in place. It could be a large project or it could be a small project. They could bring this back at a future time also for direction when the actual inventory is done to get a better feel for how much work would be needed and if it could be completed by the end of the year.

Commissioner Engstrom stated that this project needs to keep moving forward and to continue the work. Commissioner Abrahamson also stated that he feels this Board has made it clear and have stated its concerns on what is going on in this area. This problem needs to be corrected as quickly as possible.

Ms. Harper then discussed the water outlet monitoring station. She noted that the County has received \$13,500 from the Met Council, with a match of \$1,500 from the County, \$1,500 from the City of Stillwater, and \$1,500 from Trout Unlimited, to install and operate a monitoring station near the outlet of Brown's Creek. The grant requires that the County continue collecting precipitation and runoff data throughout the 1997 rainfall season and snowmelt data in the spring of 1998 and prepare a report on the findings. She indicated that SWCD has installed the monitoring station and she is suggesting that the SWCD complete the terms of the contract even though the County will not be the WMO, then turn it over to the Watershed District at that time.

Commissioner Peterson noted that it was the consensus of the Board that staff continue with the water outlet monitoring station.

Ms. Harper then updated the Board on the EAW petition. When the County moves out of its role as the WMO, the EAW will be back on the table and the Watershed District will need to act on the petition before ordering a project and before April 1998.

Ms. Harper reported that the County accepted a \$15,600 planning grant from the Board of Water and Soil Resources to develop the second generation water management plan. The grant must be matched and the plan is due in 2000. She indicated that this grant will need to be transferred to the watershed district who in turn must agree to match the \$15,600 and complete the plan by the year 2000.

Commissioner Peterson asked when this watershed district will be operational. Matt Moore, BWSR, stated that the first meeting of the watershed district will probably be mid-November. How long it will

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take them to get fully functional is anyone's guess. The Board of Water and Soil Resources will meet in October and that is when the watershed district will be considered. Within ten days of that the watershed district board of managers will have to hold an organizational meeting. From that point on it is really up in the air as far as anyone knowing what's going to happen. He sees this group being thrown into the middle of a lot of things and they will have to meet fairly regularly.

Commissioner Engstrom stated that the County Board is making a lot of commitments to move forward on these projects and spending a lot of money, in which an \$80,000 levy was set this morning. It is his assumption that the watershed district will be in agreement with these decisions and to move quickly on them. Also, he asked if his assumption was correct that the County is going to pay for these projects approved this morning, turn over the data collected on to the watershed district and that they will reimburse the County? Ms. Harper stated that the levy the Board set this morning, half of that amount is to reimburse the County for expenses it incurred in 1997 operating as the WMO. That fully covers any matching grant money or any of the staff expense through the contract with Soil and Water Conservation District. The other \$40,000 of the levy is for the hydrologic/hydraulic study, and that would be passed back to the watershed district. The \$80,000 levied this morning is earmarked for watershed district activities. Any money left over from the Soil and Water Conservation District contract will be passed on to the watershed district and can only be used to finish up projects approved at today's Board meeting.

Commissioner Abrahamson stated that he hopes the interview process for applicants to the Brown's Creek Watershed District will find people who know the history and problems that have been occurring in that area.

Ms. Harper indicated she will provide the Board with a summary of all the activities that are currently going on in the Brown's Creek area including projects that are funded through grants and will attempt to provide periodic updates.

Commissioner Peterson suggested putting together a packet of information for the candidates so they have a feel for what is happening and what will be going on.

DISCUSSION FROM THE AUDIENCE

Craig Leiser, resident of Grant, stated he's a graduate engineer by training and a manager for the last 25 years for three different companies. He indicated he has attended virtually all Brown's Creek WMO meetings, attended every township meeting that dealt with the WMO, and attended almost every County Board meeting that dealt with the WMO. He would like to present his name as a candidate for the Brown's Creek Watershed District.

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Bernard Rappa, resident of the Kismet Basin area, stated he is recently retired from 3M in which he held a management position. He would like to have his name considered for appointment to the Brown's Creek Watershed District.

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson reported that he will be attending the Joint Powers Planning Agency meeting this evening regarding Andersen Corporation's request for a conditional use permit to construct a weathering research site at 4001 Stagecoach Trail North. The meeting will be held in the Bayport City Council Chambers at 7:00 p.m.

Commissioner Engstrom reported on Jim Heltzer, HRA Director, who underwent bypass surgery last week and is doing quite well.

Commissioner Peterson noted there is a conflict with the County's League of Local Governments meeting for September 30 and a meeting of the Innovation and Cooperation group which consists of some of the same members. She suggested that the County's meeting be moved up in time and the other meeting moved back in time.

Commissioner Peterson stated that the Guardian Ad Litem program has asked for Board support, not in a monetary manner, but sponsorship of a breakfast they will be hosting during an upcoming conference in Stillwater at the Lumber Baron's Hotel. They are asking that a Board member attend that breakfast. It was Board consensus that a Board member will attend that breakfast.

Commissioner Engstrom stated that a notice has been sent out regarding the League of Local Governments meeting set for September 30, at 7:00 p.m. and he thinks it would be tough to change that now. He also asked that staff report on a letter from Jim Solem, Metropolitan Council, regarding the designation of the Mississippi River as an American Heritage River, and bring that back for discussion.

ADJOURNMENT


There being no further business to come before the Board, Commissioner Abrahamson moved to adjourn, seconded by Commissioner Engstrom and it was adopted unanimously; Commissioner Hauser absent. The Board meeting adjourned at 11:05 a.m.

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**BOARD WORKSHOP WITH THE HEALTH, ENVIRONMENT AND LAND MANAGEMENT
DEPARTMENT**

The Board met in workshop session with the Department of Health, Environment and Land Management for follow-up discussion from the public hearing on September 2, 1997 of Chapters One through Four (Zoning Ordinance) of the Washington County Development Code. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Peterson and Engstrom. Also present were Virginia Erdahl, Mary McGlothlin, Lowell Johnson, Bob Turrentine, Dennis O'Donnell, Paul Tatting, Kathy Nordine, Jim Broede, St. Paul Pioneer Press, Tim Casey and Eileen Weber, Citizen of Cottage Grove.


Myra Peterson, Chair
County Board

Attest: 
Virginia R. Erdahl
Deputy Administrator

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
SEPTEMBER 16, 1997**

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, County Administrator; Richard Arney, County Attorney; Howard R. Turrentine, Assistant County Attorney; Don Wisniewski, Public Works Director; Judy Honmyhr, Human Resources Director; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, HELM Manager; Stuart Glaser, EMS Manager; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Hegberg moved, seconded by Commissioner Abrahamson to adopt the following Consent Calendar:

1. Adoption of **Resolution No. 97-126** as follows:

Gambling License Renewal for
the Lions Hastings Club

WHEREAS, on or about September 5, 1997, the Lions Hastings Club has made a permit application pursuant to the statutes of the State of Minnesota authorizing lawful gambling; and

WHEREAS, the premises involved are Point, located at 12378 Pt. Douglas Dr. S., Hastings, Denmark Township, Washington County; and

THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners does hereby resolve to approve the granting of a premises permit for the above-described licensee at the above-described location subject to the terms and conditions of all the Laws of the State of Minnesota, the County of Washington and Township of Denmark.

2. Approval of banding and grading of new job description of Construction/Safety Coordinator in the Facilities Section of the Public Works Department at C43-1.
3. Approval of banding and grading of revised job description of Civil Process Aide in the Sheriff's Department at B21-1.
4. Adoption of **Resolution No. 97-127** as follows:

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Resolution to Purchase Camplin Property
for the Big Marine Regional Park Reserve

WHEREAS, Washington County is interested in acquiring the property described herein in May Township, for inclusion into the Big Marine Regional Park Reserve and whereas the owner agrees to sell the property.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes 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 legally described as follows:

The South 440 feet of the North 840 feet of the SW $\frac{1}{4}$ of the
SE $\frac{1}{4}$ of Section 6, Township 31 North, Range 20 West,
Washington County, Minnesota, lying east of CSAH 15.

for the sum of \$160,000.00; in total, upon the following terms and conditions:

1. Conveyance should be by warranty deed pursuant to the terms and conditions of a standard Miller-Davis Purchase Agreement free and clear of all liens, charges and encumbrances;
2. Seller to pay all levied or pending special assessments (if any);
3. Seller to pay abstract expenses;
4. Real Estate taxes shall be pro rated as of the date of closing;
5. Buyer to pay recording fee(s), state deed tax, and conservation fee;
6. Closing is to be on or before October 1, 1997, or as soon as possible after that date. The closing shall be handled through the Washington County Attorney's Office.
7. Possession of the house shall transfer to Washington County as of the date of closing. However, the sellers shall have the option to stay in the house for an additional 3 months from the date of closing rent free. After the initial 3 month rent free period, the sellers have the option to rent the property for their personal use only. By December 1, 1997, sellers must notify County's Property Acquisition Specialist whether they plan to vacate the house by the end of the 3 month rent free period, or whether they will enter into a lease agreement with the County to rent the property for a rental fee of \$800 per month, with one month (\$800) security deposit.
8. Sellers shall be obligated to perform all maintenance in order to keep the property in a reasonable repair until possession by the County, normal wear and tear excepted.
9. The sellers shall be obligated to pay utilities, including fuel oil, propane gas, natural gas, electricity, city water, telephone, city sewer, and garbage hauling, in a timely manner, while they are in possession of the property.

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10. The sellers shall remove all personal possessions and debris from both the house and yard prior to vacating the property. The house and yard shall be of reasonable cleanliness at the time the County possesses the property.

11. Relocation rights are available to the seller in conformance with the Uniform Relocation Act. At the seller's choice, they may waive their relocation benefits in return for a one time payment of \$7,500.

12. The acquisition is subject to a satisfactory environmental inspection by Washington County.

5. Adoption of **Resolution No. 97-128** as follows:

Final Payment to Dresel Contracting, Inc. for Road
Construction in Forest Lake Township
DNR Access Road to Clear Lake

WHEREAS, the Washington County Board of Commissioners, on August 20, 1996 approved the bid award to Dresel Construction, Inc. and on September 6, 1996 signed the contract for road construction on the DNR access road (220th St. N.) to Clear Lake in Forest Lake Township; and

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

NOW, THEREFORE BE IT RESOLVED, that Dresel Contracting, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

6. Approval to enter into the Juvenile Detention Services Subsidy Grant with the Minnesota Department of Corrections from July 1, 1997 to June 30, 1999.

The foregoing Consent Calendar was adopted unanimously.

DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT

Contract with Community Alert Network

Commissioner Engstrom moved to approve a contract with Community Alert Network to provide a computer driven telephone warning and notification service for Washington County and to authorize the County Administrator to use contingency funds to make the necessary budget adjustments to accomplish this. Commissioner Hegberg seconded the motion and it was adopted unanimously.

Commissioner Engstrom asked that the Chair send a letter to the organizations that contributed money.

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Set Public Hearing to Hear Rezoning Request and Comprehensive Plan Amendment by Don Lothenbach

Commissioner Abrahamson moved to set the public hearing to hear a rezoning request and Comprehensive Plan Amendment by Don Lothenbach, Denmark Township, for October 14, 1997 at 9:00 a.m. Commissioner Hegberg seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

Resolution Authorizing Abandonment of Joint Ditch #1

Commissioner Hegberg moved to adopt **Resolution No. 97-129** as follows:

Ordering the Abandonment of Joint Ditch No. 1

WHEREAS, Joint Ditch No. 1 is located in Chisago and Washington Counties as graphically displayed on Exhibit No. 1; and

WHEREAS, the following is a chronology of the history of Joint Ditch No. 1 from 1904 through 1997.

- A. 1904-1917 Joint Ditch No. 1 and branches constructed.
- B. 1944 Last documented official repair
- C. 1953 Forest Lake Dam constructed
- D. 1982 Forest Lake Water Management Organization formed
- E. 1985 Minnesota Department of Transportation work on Trunk Highway 98 changes Comfort Lake runout elevation
- F. 1989 Joint Ditch Board meets. Minor maintenance in the form of brushing done.
- G. 1994 Repair Petition to Joint Ditch No. 1 filed.
- H. 1995 Redetermination of benefits ordered.
- I. 1996 Repair Petition denied February 26, 1996. Redetermination of benefits adopted July 22, 1996.
- J. 1997 Comfort Lake-Forest Lake Watershed Agreement to work towards creation of new management organization signed.
- K. 1997 Laws of 1997, Chapter 216, Section 156 passed authorizing counties to order the abandonment of Joint Ditch No. 1 if the counties make a determination that Joint Ditch No. 1 is not of public benefit and utility.

and

WHEREAS, a public hearing was held on the 9th day of September, 1997 to determine whether or not Joint Ditch No. 1 should be abandoned pursuant to the laws of 1997, Chapter 216, section 156; and

WHEREAS, notice of the proceedings were provided pursuant to law as established by the Affidavits of Publication attached hereto; and

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WHEREAS, a verbatim record of the hearing has been made in the form of a video tape;

WHEREAS, no testimony or evidence was given in opposition to the abandonment of Joint Ditch No. 1; and

WHEREAS, the capacity of Joint Ditch No. 1 is currently 37 percent of its 1904-1994 capacity as established by the June, 1995 RCM report attached as Exhibit 2; and

WHEREAS, the function of the ditch is no longer agricultural in that 80 percent of the drainage to the ditch is from Forest Lake and 6 percent is from the City of Forest Lake; and

WHEREAS, 0 percent of the land drained by the ditch is land converted to an agricultural condition which would allow reasonable farming operation; and

WHEREAS, the cost to repair the ditch exceeds the benefits as established by the February 26, 1996 Joint Ditch Board Order denying the Repair Petition and the July 22, 1996 Joint Ditch Resolution accepting the redetermination of benefits; and

WHEREAS, the environmental impact of repairing the ditch precludes any repair work being done in accordance with the comments received by the Joint Ditch Board in connection with the Repair Petition proceedings; and

WHEREAS, existing regulatory agencies provide protection; and

WHEREAS, there has been a decrease in runoff into the ditch as a result of the City of Forest Lake adopting and implementing runoff rate controls for new development and the Bixby Park improvements; and

WHEREAS, Washington and Chisago Counties have authorized the filing of a Petition with the Board of Water and Soil Resources, creating a watershed district to manage the area; and

WHEREAS, the character of the area has changed from agricultural to a more urban character.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby makes its determination that Joint Ditch No. 1 is not of public benefit and utility and orders its abandonment.

BE IT FURTHER RESOLVED, that this order abandoning Joint Ditch No. 1 shall become effective immediately upon a similar resolution and order being made by the Chisago County Board of Commissioners pursuant to the Laws of 1997, Chapter 216, section 156.

Commissioner Engstrom seconded the motion and it was adopted unanimously.

Request by the Carnelian-Marine Watershed District on a Proposed Lake Louise Project

James Schug, County Administrator, introduced John Bower, President, Carnelian-Marine Watershed District, who is seeking financial support from the County for a proposed Lake Louise Project.

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John Bower informed the Board of highwater problems in the Lake Louise area for the past two years. He indicated that they have been petitioned by May Township to study the problem and seek a solution. Since that time, the watershed district has performed a soil boring project, hydrologic study and an EAW on the area. The EAW determined that an Environment Impact Statement was not needed. At this point, they are getting ready to print this information for the public and hold a public meeting on December 3 at New Scandia Township. At this meeting, they will present all the data collected and take public comment. They will also present a funding formula if it is determined that the project should proceed. He asked if the County would support this project and if it is willing to contribute anything to it.

Commissioner Peterson stated she has concerns about cost participation. If the County was going to undertake this, it seemed to her there should be a basic formula as to how a figure would be derived at, what the County's portion would be.

Commissioner Engstrom echoed Commissioner Peterson's concerns and asked why would Washington County participate from its county-wide general levy in a specific project such as this?

Mr. Bower indicated that the County owns property that adjoins the area and it would derive some sort of benefit from the project.

Commissioner Engstrom asked what property would benefit?

Mr. Bower stated that the County park lies adjacent to Lake Louise, and whether tree loss due to flooding is a concern to the County or not he didn't know. Also, he thinks the County garage, which is not adjacent to the lake but is down the road, probably contributes runoff from the impervious surface.

Commissioner Hegberg stated that John just mentioned the primary reasons. He has talked to the parks department and they are not concerned about the trees because they believe that is a natural event even though some of those trees are very old. He indicated that this lake has risen considerably. The County garage parking lot and adjacent areas have been filled in and it is their feeling that it does contribute some of the runoff to that lake. It is his opinion that what the Carnelian-Marine Watershed is looking for is probably \$6,000. By today's rules, the Public Works garage would need to build a holding pond and so forth, back when it was built that was not required. He would suggest that the County take a look at the maps looked at by Public Works to see if an agreement can be reached. He knows Public Works disagrees a little bit on the amount of runoff that comes from the garage, but the elevation maps could indicate if a portion of that or all of that runoff is coming from the garage and running into Lake Louise. If there is a contribution from the garage, then he thinks that is a reason to calculate a benefit.

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Commissioner Hauser felt that asking for support at this time is premature. The property would be assessed for the amount of water that contributes to a real or perceived problem, then it's assessed just like any property would that has a benefit. She asked why wouldn't whoever benefits from this project in the Watershed District be assessed?

Commissioner Hegberg believes that in this case, the County is the only commercial use in that area. The housing units would be assessed, he assumed, based on some formula they use.

Commissioner Hauser feels that if it can be demonstrated that the County contributes and a benefit will occur with this project then it pays the bill. If it cannot be demonstrated then it won't.

Mr. Bower stated that funding for this project, if it goes ahead, contributions would come from the Watershed District through its administration fund. They also think funding could come from the TIF finances. They are also looking at possibly getting money from the Minnesota Trails and Waterways because they are going to get their horse trails back. At this time, the Watershed is not expecting to levy taxes on the watershed.

Commissioner Peterson stated she believes that an assessment should be based on what a contributing property makes to the problem.

Commissioner Hauser believes this request is premature. The district needs to ascertain who benefits and who should pay. She agreed with Commissioner Peterson and those problems are not the State of Minnesota's, not the County of Washington's and not the federal government at large nor should the County be penalized by using the TIF or other kinds of mechanisms that delay payment to the County and its taxpayers. She believes it should be levied against those who benefit.

Mr. Bower indicated that the district managers discussed assessing the benefitted property owners but decided against it because they felt that approach would put an undue burden on some of the properties that lay adjacent to the area. Since funding seemed to be available for the majority of the project they decided on this approach instead.

Commissioner Hauser moved to table the request of the Carnelian-Marine Watershed District for County support of its proposed Lake Louise project until the watershed district holds its public hearing on December 3 and a determination is made on what the property assessment for everybody will be including the County. Commissioner Abrahamson seconded the motion and it was adopted 4-1 with the vote as follows: Yes, Commissioners Abrahamson, Peterson, Hauser and Engstrom; No, Commissioner Hegberg.

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Nominations for Brown's Creek Watershed District Board of Managers

The County Administrator advised the Board that a letter was sent to the cities within the Brown's Creek Water Management Organization requesting names for managers to be nominated to the original Brown's Creek Watershed District. As of last Friday, only four names have been submitted and they are: 1) City of Grant nominated Ken Matthews; 2) City of Hugo nominated David Truax; 3) Bernard Rappa, Grant, submitted his name directly; and 4) Craig Leiser, Grant, submitted his name directly. He stated that ten names should be submitted to the Minnesota Board of Soil and Water Resources for consideration. He proposed that a press release go out recruiting additional applicants for the original Brown's Creek Watershed District. Two County Commissioners and a subcommittee of BWSR would then conduct a joint interview process to be held on October 2 or 3. From that interview a list of five names will be forwarded to the Board of Water and Soil Resources for their inclusion in the decision on October 22.

Commissioner Abrahamson moved to advertise for applicants for the Brown's Creek Watershed District Board of Managers. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Association of Minnesota Counties District X Committee Meeting

The County Administrator stated he attended the AMC District X committee meeting on September 15. They discussed Washington County's letter asking that the Metropolitan Counties work together in an attempt to change the state's transportation funding formula. Commissioner Turner of Dakota County asked that two commissioners from each county be appointed to serve on a work group to draft a transportation funding platform for the transportation policy committee of AMC to consider in their legislative packet.

Commissioner Engstrom moved to appoint Commissioners Hauser and Peterson to serve on a work group comprised of Metropolitan Counties to draft a transportation funding platform for the transportation policy committee of the Association of Minnesota Counties. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Commissioner Engstrom moved that the Board Chair has authorization to appoint an alternate to the AMC transportation funding platform committee in the event that either Commissioner Peterson or Commissioner Hauser cannot attend. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

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The County Administrator reported that AMC also requested that a County Commissioner serve on the AMC Membership Service Committee, a newly established committee which will look at services provided to the member counties. The Board Chair indicated she would seek an appointment to this committee after the Board meeting.

The County Administrator announced that the City of Lake Elmo has adopted an ordinance placing a moratorium on future development in the Brown's Creek Watershed pending resolution of some of the water quality and quantity issues in that district. Commissioner Peterson suggested sending a letter to the Lake Elmo City Council thanking them for responding to a concern expressed by the County Board.

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Engstrom asked that the Board review what excess TIF funds have been used for to date in the Carnelian-Marine Watershed District before any decision is reached on the Lake Louise proposal. He indicated that they have had excess funds in that district for a great many years. He is of the opinion that everything should be funded from that district or assessed to the benefitted landowners.

Commissioner Engstrom asked, in regards to the Lothenbach public hearing that was set earlier, that the County Attorney's staff look at the application for rezoning/ordinance amendment. It has the owner listed as Stanley Pond, Bloomington, Minnesota and the applicant is Don Lothenbach, Hastings. The application is then only signed by the applicant Don Lothenbach and not by the owner. He asked the County Attorney to look into this matter.

Commissioner Engstrom stated that this is the second time the Board has heard this request for rezoning by Lothenbach, and he imagines they will continue to hear it again and again if it is turned down. The request is to rezone this property from rural residential to general business. In the grid of the zoning book there are several pages of what is all allowed as a general business. He would like to see what is allowed as a general business. He's not sure if the County wants to see it unsewered, no water available, should there be contamination problems. He would like something from the HELM Department to show what general business will allow.

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Commissioner Hauser believes that the County should develop criteria to guide in rezoning matters that come before the Planning Advisory Commission, the County Board, and the Board of Adjustment and Appeals that would help in making those rezoning decisions.

Commissioner Abrahamson distributed copies of minutes from the Joint Powers Planning meeting which was held in Bayport on September 9. The Joint Powers Board gave approval to the Andersen Corporation to put a weathering resource center at 4001 Stagecoach Trail North.

Commissioner Peterson indicated that AMC is holding their policy meetings this week in New Ulm. She indicated that she will not be able to attend because she will be in Washington D.C. for the reauthorization of the ISTEA funds. Commissioner Hauser stated she may be going down for one day. Commissioner Hegberg also stated he may go down.

Commissioner Peterson stated that a new organization has been established called the St. Croix Valley Municipal Organization and suggested that Washington County participate in this organization. She has asked the County Administrator to see when and where this group will be meeting.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Hegberg moved to adjourn, seconded by Commissioner Abrahamson and it was adopted unanimously. The Board meeting adjourned at 10:00 a.m.

BOARD WORKSHOP WITH THE DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT

The Board met in workshop session with the Department of Health, Environment and Land Management to discuss the 1998 Resource Recovery Project budget and solid waste management service charge issues. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, George Kuprian, Mary McGlothlin, Judy Arends, Tim Casey, Anne Kleinschmidt and Eileen Weber, Citizen from Cottage Grove.

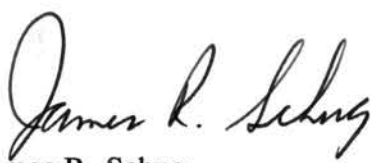
BOARD WORKSHOP WITH OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss strategic planning issues. No business was transacted and the public was welcome to attend. Present for the workshop session were

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Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Jane Harper, Mary McGlothlin and Eileen Weber, Citizen of Cottage Grove.

Attest:


James R. Schug
County Administrator


Myra Peterson, Chair
County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
SEPTEMBER 23, 1997

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Howard R. Turrentine, Assistant County Attorney; Mary McGlothlin, Director of Health, Environment and Land Management; Kathy Nordine, Land Use Specialist; Dennis O'Donnell, Senior Land Use Specialist; Dan Papin, Community Services Director; Judy Honmyhr, Human Resources Director; Carol Seefeldt, Community Services Supervisor; Scott Hovet, County Assessor, Richard Stafford, Auditor-Treasurer; Marie Sunlitis, Court Administrator; Rick Backman, Community Services Division Manager; Cindy Koosmann, County Recorder; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Engstrom moved, seconded by Commissioner Abrahamson to adopt the following Consent Calendar:

1. Approval to raise the assessment service charges that are contracted to the Washington County Assessor's Department (1998 rates).
2. Approval of assessment agreement between the City of Oakdale and the Washington County Assessor's Department.
3. Approval of on sale 3.2 percent malt liquor license for VFW Post 323, on September 27 and 28, 1997.
4. Approval to submit an application for the Association of Minnesota Counties 1997 County Achievement Awards for the Community Team Project.
5. Approval to submit proposal for two-year child welfare reform pilot to the Minnesota Department of Human Services.
6. Approval of the local collaborative time study contract between the State of Minnesota and Washington County.
7. Approval to appoint Gerald L. Beedle and Joseph J. Reichert to the Workforce Council to terms expiring June 30, 1999.

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8. Approval for an early conversion of a Clerk I from special project to a full-time permanent position in Court Administration.
9. Adoption of **Resolution No. 97-130** as follows:

Commissioners' Recognition of Those Attending the Minnesota
Association of Guardians Ad Litem Conference in Stillwater,
Washington County, October 8, 9 and 10, 1997

WHEREAS, the mission of the Minnesota Association of Guardians Ad Litem is:

"Guardians Ad Litem are individuals appointed by the Court to represent the best interests of children during court proceedings. The mission of the Minnesota Association of Guardians Ad Litem is to promote the best interests of children and improve guardian ad litem service delivery through education, program development, facilitating communication and addressing related public policy issues."

WHEREAS, two hundred child advocates, judges, social workers, probation officers, attorneys and other interested people from throughout the State of Minnesota are expected to attend the 1997 Annual MAGAL Conference being held in Stillwater, Washington County on October 8, 9 and 10, 1997;

WHEREAS, the Conference events, panel presentations and workshops will take place at the Washington County Historical Courthouse, the Lumber Baron's Hotel and the Freighthouse Restaurant throughout the three days.

WHEREAS, on Friday, October 10, 1997, a continental breakfast will be held at the Lumber Baron's Hotel preceding a panel presentation and the conference wrap up session. The Conference will adjourn at noon.

WHEREAS, the local affiliate of MAGAL is the Washington County Guardian Ad Litem Program.

BE IT RESOLVED that the members of the Washington County Board of Commissioners agree that all children deserve to be treated with dignity and respect, deserve to have their basic needs met and deserve to feel safe, loved and cherished; and

BE IT FURTHER RESOLVED that the Washington County Board of Commissioners appreciates the advocacy and efforts of individual guardians ad litem in representing the best interests of vulnerable children involved in court proceedings; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners supports the continuing skills education, legislative and Supreme Court rules updates provided to guardians ad litem through this forum; and

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BE IT FURTHER RESOLVED that the Washington County Board of Commissioners extends a warm welcome to the Minnesota Association of Guardians Ad Litem to Washington County; and

BE IT FURTHER RESOLVED that the Washington County Board of Commissioners is pleased to host the continental breakfast on Friday, October 10, 1997 at the Lumber Baron's Hotel.

10. Approval for the early hire of the Utility Worker I position as approved in the 1998 budget process.
11. Approval to submit an application for the Association of Minnesota Counties 1997 County Achievement Awards for establishment of St. Croix Bluffs Regional Park.
12. Approval to submit an application for the Association of Minnesota Counties 1997 County Achievement Awards for the Commuter Rail Demonstration on July 1, 2 and 3, 1997.

The foregoing Consent Calendar was adopted unanimously.

AUDITOR-TREASURER'S OFFICE

Commissioner Engstrom moved to authorize the Auditor-Treasurer's Office to transfer a mobile home title to Cimarron. Commissioner Hegberg seconded the motion and it was adopted unanimously.

HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Zoning Ordinance Chapters One - Four

Mary McGlothlin, Director of Health, Environment and Land Management, presented proposed changes to the Washington County Zoning Ordinance, Chapters One through Four of the Washington County Development Code. These changes were the result of a public hearing held on September 2, 1997 and a County Board workshop held on September 9, 1997. Ms. McGlothlin presented language changes in the areas of scenic roads (removed from the draft ordinance), accessory buildings, agriculture operations, livestock and livestock operations and density bonuses for open space development.

Ms. McGlothlin stated that Section 14.3 (B), under nonconformities, was added at the time the Board was considering the scenic road overlay. This was added specifically to deal with the building setback issue along scenic roads. She is asking that the Board reaffirm to leave that language in or requests that the Board delete that language as being no longer necessary due to the fact that the scenic road overlay has been removed.

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Commissioner Peterson asked if that section could be added to the scenic road section? Ms. McGlothlin indicated that it could.

Commissioner Abrahamson moved to delete under Section 14, Nonconformities, 14.3 (B) which states: "Notwithstanding the foregoing, if the nonconforming structure is a homestead dwelling, and does not meet the required structure setback from the road for the district it is located in, then it may be repaired or replaced within its existing footprint at its existing location without the need for a variance. This exception does not apply to any other nonconforming structures." Commissioner Hegberg seconded the motion and it was adopted 4-1 as follows; Yes, Commissioners Abrahamson, Hegberg, Peterson and Hauser; No, Commissioner Engstrom.

Commissioner Hegberg stated he had difficulty with Section 4, Open Space Design Development, replacing the language in 4.5 (2) Base Density with the following A-4.....50% 100%. He feels keeping 70% open space will restrict a lot of areas. He asked if there was some way to give latitude to the township to maintain what the County is looking for and yet allow larger lots? Ms. McGlothlin indicated that is difficult to answer because each piece of property is going to have its own unique characteristics and they may or may not be able to meet some of the standards.

Commissioner Engstrom stated that when this process began he preferred to mandate cluster development. The majority of this Board has decided that it would not mandate it and that this will be done on an incentive basis. The priority that he would have is open space preservation. He is not willing to give in on the 70%. A figure has to be in this document that says a percentage of land is going to be saved as open space. He feels this is a good compromise from where this Board started two or three years ago.

Commissioner Hegberg stated that the example given of a 40 acre piece of land and 50% is required to be open space there would only be two acre lot sizes. Those two acre lots would have open space. The question is can the open space be defined in part of the lot, and the answer is no. It has to be the common ownership.

Commissioner Hegberg moved that 50% be required for open space. Commissioner Abrahamson seconded the motion and the motion failed 3-2 with the vote as follows: Yes, Commissioners Abrahamson and Hegberg; No, Commissioners Peterson, Hauser and Engstrom.

Commissioner Peterson asked about the transfer of development rights in the zoning ordinance. Will there be an amendment to the zoning ordinance that accounts for transfer of development rights? Ms. McGlothlin stated that the transfer of development rights is available to the County, but it will take a period of time to write that section. At the time that is complete, staff will bring that in as either a separate section of the ordinance or amending this ordinance.

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Commissioner Engstrom moved to adopt the Washington County Zoning Ordinance, Chapters One through Four of the Washington County Development Code, as amended today; and directed the County Attorney's Office to prepare a resolution finalizing adoption. Commissioner Hauser seconded the motion and it was adopted unanimously.

American Heritage River Designation for the Mississippi River

Ellen Brown, American Heritage River Designation Steering Committee, presented an overview of the American Heritage River Initiative. She stated that in his 1997 State of the Union Address, President Clinton announced that this initiative was being established to support communities' efforts to realize their goals of economic prosperity, a healthy environment, and historic and cultural preservation. She indicated that communities from across the country will nominate their river or river stretch, and the President will designate 10 rivers as American Heritage Rivers in early 1998. Ms. Brown informed the Board that all communities will benefit from improved access to information about federal programs and services, and that this initiative will not create new regulatory requirements for individuals, states or local governments.

Commissioner Hauser asked what part of the Mississippi River will be designated or will all of the river be designated? Ms. Brown stated that the Metropolitan Council is taking the lead in organizing the nomination and submitting it to the federal agencies. They are seeking co-sponsors from anyone who is interested in the river and wants to sign on. The area being considered for nomination is called the MNRAA Stretch (Mississippi River National River and Recreation Area) and includes 72 miles of the river from Dayton and Ramsey on the north end to Hastings on the south end.

Commissioner Hauser moved to support the nomination of the Mississippi River as an American Heritage River and directed staff to prepare a resolution to that effect for the next County Board meeting. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Commissioner Hauser stated that if this effort is successful she hoped there would be a connection with the other part of the river which does not divide but joins the nation from north to south. She felt it would be worthwhile if other parts of the Mississippi River, including the rest of the State of Minnesota both north and south of the metro area, and those important waters that flow down to New Orleans could coordinate their efforts. Ms Brown indicated the American Rivers based in Washington has begun discussions about nominating the entire Upper Mississippi River and they are coordinating an Upper Mississippi River nomination.

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HUMAN RESOURCES DEPARTMENT

Commissioner Abrahamson moved to authorize the County Board Chair and County Administrator to sign the arbitrated 1996-1998 bargaining agreement with LELS representing the Correctional Officers in the Sheriff's Office. Commissioner Engstrom seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION**Converting Offices of County Recorder and Auditor-Treasurer from Elected to Appointed Positions**

Commissioner Abrahamson moved to adopt **Resolution No. 97-131** as follows:

Resolution to Appoint County Auditor/Treasurer and Recorder

WHEREAS, the 1997 Minnesota Legislature enacted 1997 Minnesota Laws Chapter 153 which is special legislation investing the Washington County Board of Commissioners with the authority to discharge the statutory duties of the offices of County Recorder and County Auditor/Treasurer, through department heads appointed by the Board for these purposes; and

WHEREAS, 1997 Minnesota Laws Chapter 153, requires the County Board to appoint a County Recorder and a County Auditor/Treasurer as department heads to act for it in the discharge of the duties of County Recorder and County Auditor/Treasurer; and

WHEREAS, the Washington County Board of Commissioners wishes to enable 1997 Minnesota Laws Chapter 153, Sections 1-5, thereby converting the offices of Washington County Recorder and Washington County Auditor/Treasurer from elected to appointed positions.

NOW, THEREFORE, BE IT RESOLVED that the County adopts and agrees to abide by the provision of 1997 Minnesota Laws Chapter 153, Sections 1-5 and that the offices of Washington County Recorder and Washington County Auditor/Treasurer shall no longer be elective, but be filled by appointment.

BE IT FURTHER RESOLVED, that the County Recorder shall be a Department Head appointed by the Washington County Board in the following manner: under the provisions of Minnesota Statute 375A.06, the County Board appoints and employs the County Administrator whose responsibilities include the appointment of County department heads with the consent of the County Board of Commissioners.

BE IT FURTHER RESOLVED, that the County Auditor/Treasurer shall be a Department Head appointed by the Washington County Board in the following manner: under the provisions of Minnesota Statute 375A.06, the County Board appoints and employs the County Administrator whose responsibilities include the appointment of County department heads with the consent of the County Board of Commissioners.

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BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners shall discharge the statutory duties of County Recorder and County Auditor/Treasurer through the department heads appointed by the County Board in the above manner.

BE IT FURTHER RESOLVED, the persons elected at the November 1994 general election to the positions of Recorder and Auditor/Treasurer shall serve in these capacities until the completion of the term of office to which each was elected or until a vacancy occurs in the office, whichever occurs earlier, at which time the County Board shall make the appointment to the office or offices pursuant to this resolution.

Commissioner Engstrom seconded the motion and it was adopted unanimously.

Update on Brown's Creek Watershed District

James Schug, County Administrator, informed the Board that the Minnesota Board of Water and Soil Resources (BWSR) did hear the County's petition to create the Brown's Creek Watershed District and as a result of the testimony the committee is recommending to the full Board, which will meet on October 22, that the watershed district be created. Interviews will be held with applicants for the watershed district next week.

DISCUSSION FROM THE AUDIENCE

Sally Evert, Metropolitan Council, updated the Board on a new bus service for people living in the Southern part of Washington County which began running on September 22.

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Engstrom asked if official action was taken last week on the appointment of Commissioners to sit in on the interview process for the Brown's Creek Watershed District Board of Managers?

Commissioner Abrahamson moved to appoint Commissioners Hauser and Hegberg to participate in the interviews for applicants to the Brown's Creek Watershed District Board of Managers. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Commissioner Peterson reported on a fly-in she attended in Washington D.C. last week for ISTEAF funding.

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Commissioner Peterson announced that the Lower St. Croix Planning Coordinating Task Force will meet on September 25, 1997 in Hudson, Wisconsin.

Commissioner Peterson also informed the audience that there will be a joint meeting of the League of Local Governments and the Board of Government Innovation and Cooperation on September 30, 1997, 6:30 p.m. in the Washington County Government Center Board Room.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

COUNTY BOARD RECESSES TO RECONVENE AS THE REGIONAL RAIL AUTHORITY

Commissioner Abrahamson moved to recess and reconvene as the Regional Rail Authority. Commissioner Engstrom seconded the motion and it was adopted unanimously. The County Board meeting recessed at 10:30 a.m.

REGIONAL RAIL AUTHORITY

The Washington County Regional Rail Authority met in regular session at 10:30 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Chair Hauser presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Sandy Cullen, Transportation Engineer; and Tim Casey, Public Information Specialist. Official Proceedings of the Regional Rail Authority are available in the Office of Administration.

WASHINGTON COUNTY BOARD OF COMMISSIONERS RECONVENES

Commissioner Peterson noted that the County Board will conduct interviews at 4:30 this evening for a vacancy on the South Washington Watershed District.

Commissioner Engstrom stated he has been appointed to the Waste Management Act Rewrite Committee. Commissioner Hauser suggested holding a workshop to receive the Board's collective thoughts on this issue.

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Commissioner Abrahamson moved to recess to a County Board Workshop at this time, and reconvene at 5:30 p.m to hold a public hearing to receive comments on the proposed Individual Sewage Treatment System Ordinance. Commissioner Abrahamson seconded the motion and it was adopted unanimously. The County Board recessed at 10:35 a.m.

BOARD WORKSHOP WITH THE HUMAN RESOURCES DEPARTMENT

The Board met in workshop session with the Human Resources Department to discuss the County smoking policy. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Mary McGlothlin, Judy Honmyhr, George Kuprian, Tim Casey, and Eileen Weber, Citizen from Cottage Grove.

PUBLIC HEARING - DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT

Individual Sewage Treatment Systems Ordinance

The Board reconvened at 5:30 p.m. and the following individuals were in attendance: Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Chair Peterson presided. Also present were James Schug, County Administrator; Howard R. Turrentine, Assistant County Attorney; Mary McGlothlin, Director of Health, Environment and Land Management; Pete Ganzel, Building Inspector; Paul Tatting, Land Use Specialist and Tim Casey, Public Information Specialist.

The Board Chair presented an overview and the process that will be followed in today's public hearing to consider adoption of the Individual Sewage Treatment Systems Ordinance.

The Secretary to the Board read into the record the notice of public hearing and verified for the record that the file does contain the required Affidavits of Publication and Affidavits of Mailing.

Mary McGlothlin, Director of Health, Environment and Land Management, read from the Washington County Comprehensive Plan, page 4-43 related to waste management. She then presented an overview of the Individual Sewage Treatment Systems Ordinance, and how it differs from the Minnesota Rules Chapter 7080. She indicated that when the County's ordinance is going to be more restrictive or have different language than the State's the County must identify those areas of the ordinance to the public. Those differences have been provided in two ways. Within the ordinance itself the language which

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appears shaded that is language that is not contained in the State rules. In the back of that document, and provided to the public at the time the ordinance was distributed, is a summary of the differences.

Ms. McGlothlin informed the Board that in the past this ordinance only applied to unincorporated areas. State law has changed the applicability of County Ordinances and when this chapter is adopted by the Board this ordinance will regulate the location, design, installation, use and maintenance of individual sewage treatment systems in all of the unincorporated areas of Washington County and in all the cities in Washington County, other than those cities that have adopted an individual sewage treatment ordinance that complies with and are as strict as the Washington County Ordinance. She indicated that this is probably one land use regulation adopted at the County level which will apply in the cities. She noted that cities will need to look at their own ordinances to be certain they are in compliance with the County's ordinance. The cities can elect not to adopt their own ordinance, they may choose to have the County's ordinance apply in their city and the County will then be responsible for enforcing this ordinance.

Commissioner Engstrom asked if the cities have been notified of this change? Ms. McGlothlin stated that a letter was sent to each of the cities along with a copy of the ordinance. She indicated that at least one city read that letter because the City of Woodbury called and asked them specifically if they would choose not to adopt an ordinance if this one would apply.

Commissioner Engstrom asked how many cities have adopted the County's ordinance? Ms. McGlothlin did not have the specific number, but indicated there were quite a few cities who do not have a lot of septic systems, such as Oakdale, and have adopted the County ordinance and contract with the County to do their inspection and permitting.

Commissioner Hegberg asked are there any cities who have adopted the State's standards which are less restrictive than the County's? Ms. McGlothlin indicated she did not have that information, but will research it and get back to the Board.

Ms. McGlothlin introduced a letter from the Minnesota Pollution Control Agency which reviewed the Final Draft of the Individual Sewage Treatment Systems.

The Board Chair opened the public hearing for comments; none were heard.

Commissioner Engstrom moved to close the public hearing on the proposed draft Individual Sewage Treatment Systems Ordinance. Commissioner Abrahamson seconded the motion and it was adopted unanimously. The public hearing was closed at 6:25 p.m.

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The Board Secretary indicated she had all the documentary evidence.

Commissioner Engstrom moved to approve the Individual Sewage Treatment Systems Ordinance as presented, and directed the County Attorney's Office to prepare a resolution for the next County Board meeting. Commissioner Hauser seconded the motion and it was adopted unanimously.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Abrahamson moved to adjourn, seconded by Commissioner Engstrom and it was adopted unanimously. The Board meeting adjourned at 6:30 p.m.

Attest:


James R. Schug

County Administrator


Myra Peterson, Chair
County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
OCTOBER 7, 1997

The Washington County Board of Commissioners met in regular session at 4:30 p.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Howard R. Turrentine, Assistant County Attorney; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, Manager, HELM Department; Stuart Glaser, EMS Manager; Don Wisniewski, Public Works Director; Jim Luger, Parks Planner; Jack Perkovich, Deputy Public Works Director; Jane Harper, Principal Planner; Dan Papin, Community Services Director; Bob Crawford, Workforce Center Manager; Mark Doneux, Soil and Water Conservation District; Konrad Koosmann, Soil and Water Conservation District and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Engstrom moved, seconded by Commissioner Hegberg to adopt the following Consent Calendar:

1. Approval of the County Board meeting minutes for September 2, 9, 16 and 23, 1997.
2. Adoption of **Resolution No. 97-132** as follows:

Insurance Provisions in County Contracts
Replaces Resolution #86-72

WHEREAS, the 1997 Minnesota State Legislature increased the limits of tort liability for municipalities to \$300,000 per claimant and \$750,000 per occurrence, beginning January 1, 1998, further increasing that amount to \$300,000 per claimant and \$1,000,000 per occurrence beginning January 1, 2000; and

WHEREAS, these limits double for environmental liability; and

WHEREAS, it is desirable that Washington County seek to have vendors with which the County contracts to have insurance having at least similar limits; and

WHEREAS, the County itself is participating in a self-insurance program;

NOW, THEREFORE, BE IT RESOLVED that the following is the policy of Washington County relating to insurance in contracts by the County:

1. Whenever appropriate, contracts will provide that persons or entities will hold Washington County harmless and indemnify Washington County for any loss to which the County may have to pay on account of the activity of the persons or entities performing contracts with Washington County.

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2. The County will continue to require contracts to provide insurance for general liability and auto with minimum limits coterminous with the County's maximum liability limits.
3. In instances where it appears that the vendor can provide limits other than the maximum liability limits set forth above, the County may accept these limits realizing there is some risk exposure to the County on account of the limits of the per occurrence tort liability of the vendor being less than the maximum exposure of the County.
3. Approval of abatement applications for homestead classification, value changes, penalties, waste fees and special assessments as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Amount</u>
M 88.088.88.00.1581	Purington, Mark & Scott	\$ 602.00
M 88.088.88.00.1719	Reidhead, Nolan	702.00
M 88.088.88.00.1710	Strauss, Martin J.	602.00
M 88.088.88.00.1469	Martin, Janice	192.00
M 88.088.88.00.0351	Ginn, Ernest R.	54.00
M 88.088.88.00.0437	Green, Joleen M.	642.00
R 22.029.20.44.0005	Solheid, John & Dawn	312.00
M 88.088.88.00.1046	Mann, Cheryl	58.00
M 88.088.88.00.1672	Haines, James Jason	272.00
R 20.028.21.11.0049	Daus, Mark & Deanna	1,238.00
R 30.028.21.23.0008	Gleeson, Daniel J. Jr.	840.00
R 17.028.21.34.0025	Stachowiak, Joan	108.00
R 05.029.21.44.0038	Malon, Pauline A.	824.00
R 03.028.21.23.0001	Mansur, Peter	1,404.00
R 29.030.21.21.0058	Krueger, Steven A.	0.00
R 34.030.20.33.0088	St. Croix Villas H/O Assoc.	36.00
R 02.028.20.13.0023	Mickelson, Thomas & Laura	476.00
R 02.028.20.13.0023	Mickelson, Thomas & Laura	460.70
R 02.028.20.13.0023	Mickelson, Thomas & Laura	445.40
R 02.028.20.13.0023	Mickelson, Thomas & Laura	430.10
R 02.028.20.13.0023	Mickelson, Thomas & Laura	414.80
R 02.028.20.13.0023	Mickelson, Thomas & Laura	765.38
R 02.028.20.13.0023	Mickelson, Thomas & Laura	727.67

4. Approval to appoint Greg Rolling, Eco Print Graphic Services and Liz Templin, University of Minnesota Extension Services to the Workforce Council to terms expiring June 30, 1999.
5. Approval of amendments to 1997 contracts to provide home and community based services for persons with developmental disabilities.
6. Approval to authorize the early hire of an Assistant County Attorney for prosecution functions and a .2 FTE Legal Secretary position.
7. Adoption of **Resolution No. 97-133** as follows:

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Final Payment to Impulse Group, Inc. for Provision of
Audio System for Courts Remodeling Project

WHEREAS, the Washington County Board of Commissioners, on September 6, 1996, signed an agreement with Impulse Group Inc. for audio system provision and installation within the Courts Remodeling project; and

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

NOW, THEREFORE BE IT RESOLVED, that Impulse Group Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

11. Adoption of **Resolution No. 97-137** as follows:

Signal Maintenance Agreement No. 76510 with
the Minnesota Department of Transportation
At Trunk Highway 96 and CSAH 9

BE IT RESOLVED, that the County of Washington enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To install a new flashing beacon system with street lights on Trunk Highway No. 96 (Dellwood Road) at County State Aid Highway No. 9 (Jamaica Avenue North) in accordance with the terms and conditions set forth and contained in Agreement No. 76510, a copy of which was before the Board.

BE IT FURTHER RESOLVED, that the proper County officers be and hereby are authorized to execute such agreement, and thereby assume for and on behalf of the County all of the contractual obligations contained therein.

12. Adoption of **Resolution No. 97-138** as follows:

Signal Maintenance Agreement No. 75823M with Minnesota
Department of Transportation, City of Stillwater, City of Oak Park
Heights and Township of Baytown for TH 36

BE IT RESOLVED that the County of Washington enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To provide maintenance and electrical energy for the new traffic control signals with street lights, emergency vehicle pre-emption, interconnect and signing of Trunk Highway No. 5 (Stillwater Boulevard) at 58th Street North and at Trunk Highway No. 36 South Ramps, and on Trunk

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Highway No. 5 - County State Aid Highway No. 5 (Stillwater Boulevard) at Trunk Highway No. 36 North Ramps; and for the new traffic control signal with street lights, emergency vehicle pre-emption, advance warning flashers and signing on Trunk Highway No. 36 at Washington Avenue - Norell Avenue in accordance with the terms and conditions set forth and contained in Agreement No. 75823M, a copy of which was before the Board.

BE IT FURTHER RESOLVED, that the proper County officers be and hereby are authorized to execute such agreement, and thereby assume for and on behalf of the County all of the contractual obligations contained therein.

13. Approval to apply and accept a grant from the Minnesota Department of Natural Resources for snowmobile law enforcement.
14. Approval to accept proposal and enter into a license agreement with U.S. West/T-Netix for inmate telephone services and equipment and communication center recording equipment.
15. Approval to set public hearing to consider a resolution on the request by the Washington County Housing and Redevelopment Authority for County General Obligation backing for the Landfall Terrace Bonds pursuant to MS 469.034, subd. 2.

The foregoing Consent Calendar was adopted unanimously.

HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Development Code Chapter One, Administration and Chapter Two, Part I (Zoning Map, Districts and Uses, Part II (Density and Lot Requirements) and Part III (Performance Standards)

Mary McGlothlin, Director, requested that the Board delay adoption of this ordinance. She indicated there was one area identified in the ordinance that needs further policy clarification and would like to bring that back for discussion by the Board. Since the Board did adopt the ordinance last week, discussion cannot take place today. This item will need to be noticed.

Ms. McGlothlin informed the Board that the item in question is located on Page 104, Open Space Design, Section C, and reads: "The following areas or structures may be located within the open space area:" and three items were listed. Questions have been raised whether those areas or structures can be counted toward the minimum percent in open space or not. Original language, as proposed, which has been revised over time, says that those areas or structures may be located within the open space area, but shall not be counted toward the minimum required open space. Through several revisions of this ordinance,

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Renew Participation in the Minnesota Pollution
Control Agency Special Waste Pilot Project

WHEREAS, the Board of Washington County Commissioners has adopted the Washington County Hazardous Waste Management Ordinance which regulates the generation and management of hazardous wastes within Washington County; and

WHEREAS, the Minnesota Pollution Control Agency has requested that Washington County renew its participation in a Pilot Project involving the relaxation of the regulations for generators of certain wastes which are recycled; and

WHEREAS, the Washington County Hazardous Waste Management Ordinance provides for the waiver or modification of the strict application of the provisions of the Ordinance, subject to the approval of such modification by the Minnesota Pollution Control Agency; and

WHEREAS, the request by the Minnesota Pollution Control Agency constitutes said approval; and

WHEREAS, the Board of Washington County Commissioners supports the economical and practical management of hazardous waste within the confines of environmental protection.

NOW, THEREFORE BE IT RESOLVED, that the Washington Board of Commissioners adopt the requirements of the Minnesota Pollution Control Agency Special Waste Pilot Project as set forth in the document entitled "Pilot Project for the Management of Special Hazardous Waste" for the extension time period of September 30, 1997 to September 30, 1999 for special licensure and the Department of Health, Environment and Land Management (Department) has the approval to issue special licenses to regulate entities, and continues to waive the requirements of the Washington County Hazardous Waste Management Ordinance, according to Section 6.01.

AND BE IT FURTHER RESOLVED, that the licenses issued waiving the provisions of the Ordinance shall terminate on September 30, 1999, or until the Pilot Project is terminated by the Minnesota Pollution Control Agency which ever date is sooner.

AND BE IT FURTHER RESOLVED, that no license fees shall be applied to this license during the pilot timeline.

AND BE IT FURTHER RESOLVED, that the Department can revoke special license if the licensed regulated entity fails to comply with all of the requirements of the Pilot Project requirements subject to the appeals procedure contained in the Washington County Administrative Ordinance.

8. Adoption of **Resolution No. 97-134** as follows:

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Support of Designation of the Mississippi River
as an American Heritage River

WHEREAS, the Mississippi River is recognized as an important asset of Washington County, the Metropolitan Area and the State of Minnesota; and

WHEREAS, 21 miles of Mississippi shoreline is located in Washington County; and

WHEREAS, the County supports the projects and activities intended to enhance and improve the Mississippi River as a commercial, recreational, environmental and historic resource; and

WHEREAS, the County seeks to strengthen its partnership with the United States Federal Government in implementing our local river strategies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Washington County, Minnesota, hereby endorses the nomination of the Mississippi River for designation as an American Heritage River.

9. Adoption of **Resolution No. 97-135** as follows:

Hazardous Materials Emergency Preparedness Grant
with the Minnesota Department of Public Safety,
Division of Emergency Management

WHEREAS, the Hazardous Materials Emergency Preparedness Grant, is provided by the U.S. Department of Transportation and administered by the State of Minnesota, through the Department of Public Safety, Division of Emergency Management; and

WHEREAS, Washington County has properly applied in good faith for Hazardous Materials Preparedness Grant monies for a full-scale exercise conducted on September 20, 1997, and has entered into a contractual agreement for such financial assistance; and

WHEREAS, Myra Peterson, Board Chair, and James Schug, County Administrator are authorized to execute the terms of the agreement and thereby act on behalf of Washington County for all contractual obligations contained therein.

NOW, THEREFORE BE IT RESOLVED THAT Washington County fully agrees to the terms of the Hazardous Materials Preparedness Grant contract and with the passage of this resolution, officially requests the Division of Emergency Management to enforce the contract in accordance with the applicable rules and regulations.

10. Adoption of **Resolution No. 97-136** as follows:

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the last phrase, "but shall not be counted toward the minimum required open space" has been dropped. Now there is a questions as to whether those areas do get counted or do not get counted. That is the section staff is asking to be brought back for policy direction.

Commissioner Engstrom asked if the ordinance could be adopted and then amend it?

Ms. McGlothlin stated the Board could adopt the ordinance today and an amendment could be brought back. The Board would then have to go through the public hearing process for that amendment.

Howard R. Turrentine, Assistant County Attorney, advised the Board that if it reopened deliberation on just this one area, the Board could clarify that one area at next Tuesday's meeting and adopt the ordinance. If the Board accepts the resolution adopting the ordinance this evening, then this would need to go back through the Planning Advisory Commission and the County Board amending the zoning ordinance. If time is an issue, it would be easier to delay deliberations for a week. If time is not an issue, the Board could adopt the ordinance today, and wait the 60 days it would take to go through the process to amend the ordinance.

Commissioner Engstrom moved to delay action on the resolution adopting the Washington County Development Code, Chapter One, Administration and Chapter Two, Part I (Zoning Map, Districts and Uses, Part II (Density and Lot Requirements) and Part III (Performance Standards) to clarify Chapter Two, Part 3, Section 4.10, 4(C) to next week's Board meeting. Commissioner Hauser seconded the motion.

Commissioner Hegberg stated his concern is when this area was looked at the roads were included in the open space that was considered 70% or 60 %, and now it is not, as it's being clarified. He feels this has an influence on the amount of open space required. He would like to include that part as the discussion next week. There is another definition regarding the floodplain in item (D). He would like that defined in the definitions.

Commissioner Hegberg moved to amend the motion to include discussion on Section 4(A) as it relates to item (C) and (D) related to definition of floodplain of Chapter Two, Part 3, Section 4.10. Commissioner Abrahamson seconded the motion and it was adopted 3-2 with the vote as follows: Yes, Commissioners Abrahamson, Hegberg and Peterson; No, Commissioners Hauser and Engstrom.

The motion to delay action on the resolution adopting the Washington County Development Code, Chapter One, Administration and Chapter Two, Part I (Zoning Map, Districts and Uses, Part II (Density and Lot Requirements) and Part III (Performance Standards) to clarify Chapter Two, Part 3, Section 4.10

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4(A), (C) and (D) to next week's Board meeting was adopted 3-2 with the vote as follows: Yes, Commissioners Abrahamson, Hegberg and Peterson; No, Commissioners Hauser and Engstrom.

Development Code, Chapter Four, Individual Sewage Treatment Systems Regulations

Mr. Turrentine advised the Board that the Individual Sewage Treatment Systems ordinance will be administered with Chapter One of the Zoning Ordinance. If the Board is delaying adoption of Chapter One of the Zoning Ordinance, then the Board will need to delay adoption of the Individual Sewage Treatment Systems. The Board could approve Chapter One of the Zoning Ordinance which is the administrative section; then deliberations could be reopened on Chapter Two which are the Performance Standards. That would allow the Board to adopt the Individual Sewage Treatment Systems Ordinance at this time.

Commissioner Engstrom moved to delay adoption of Development Code, Chapter Four, Individual Sewage Treatment Systems, until next week. Commissioner Hegberg seconded the motion and it was adopted unanimously.

Ramsey/Washington County Resource Recovery Project's 1998 Operating Budget

Commissioner Hauser moved to adopt **Resolution No. 97-139** as follows:

Resource Recovery Project 1998 Budget

WHEREAS, pursuant to the Joint Powers Agreement the Ramsey and Washington County Resource Recovery Project Board shall prepare and submit an annual budget for Ramsey and Washington County Board approval; and

WHEREAS, the Counties, in order to accomplish environmental goals, have contracted with waste haulers to assure the delivery of waste to NRG in 1998 at a reduced tipping fee, necessitating the use of county funds; and

WHEREAS, the Ramsey/Washington County Resource Recovery Project Board budget is financed from interest earnings on the Project's fund balance, and from County participation (Ramsey - 73% and Washington 27%); and

WHEREAS, the Ramsey/Washington County Resource Recovery Project Board reviewed the budget and recommends to the Ramsey County Board of Commissioners and the Washington County Board of Commissioners that it be adopted.

NOW, THEREFORE, BE IT RESOLVED, the Washington County Board of Commissioners hereby approves the Resource Recovery Project's 1998 Operating Budget as follows:

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	<u>Appropriation</u>
58111 Administration	\$ 392,384.00
58114 Service Fee	<u>\$12,317,540.00</u>
	\$12,709,924.00
	<u>Financing Sources</u>
Washington Co. Participation	\$ 3,377,679.00
Ramsey Co. Participation	\$ 9,132,245.00
Interest Income	<u>\$ 200,000.00</u>
	\$12,709,924.00

*From Interest Income to Fund Balance Projected through December 31, 1998.

Commissioner Hegberg seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

Request for Proposals for a New Financial Management System for Washington County

Virginia Erdahl, Deputy Administrator, presented a brief overview of the current financial system for Washington County. She indicated that the current system is over 15 years old and that it is difficult and expensive to implement desired changes. A steering committee and technical subcommittee have been reviewing the financial system and identifying the County organizational and departmental requirements. She presented an executive summary which provides a brief overview of the background, objectives, and recommendation of the steering committee which is to issue request for proposals for a new financial management system.

Commissioner Abrahamson moved to authorize staff to issue Request for Proposals for a new Financial Management System for Washington County. Commissioner Engstrom seconded the motion and it was adopted unanimously.

1997 Minnesota American Planning Association Award

Jane Harper, Principal Planner, presented the Board with the 1997 Minnesota American Planning Association Distinguished Planning Project Award for the Washington County Comprehensive Plan.

South Washington Watershed District Board of Managers

Commissioner Peterson informed the Board that the President of the South Washington Watershed District Board of Managers informed her that there was an interested person from Oakdale who wished to serve on this watershed district. She also indicated she has talked to Matt Moore, Minnesota Board of Water

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and Soil Resources about merging the East Mississippi WMO and South Washington Watershed District which should take place in early 1998. This would add three more communities to the South Washington Watershed District making a total of eight communities.

Commissioner Engstrom moved to appoint Donald Wodek, Woodbury, to the South Washington Watershed District Board of Managers to fill a partial term of office which runs until May 1, 1998. Commissioner Hauser seconded the motion.

The Board discussed this motion.

Commissioner Engstrom stated the Board held interviews last week with three highly qualified candidates. He does not believe the appointment should be delayed. The appointment will be to fill out an unexpired term to May 1, 1998.

Commissioner Abrahamson asked what the make up of the Watershed District Board is right now?

Commissioner Peterson indicated that two members were from Woodbury and two members were from Cottage Grove. The applicants were all from Woodbury. She is concerned that after the first of the year there will be additional communities of St. Paul Park, Newport and Grey Cloud on that Board. She requested that staff from BWSR attend next week's Board meeting to clarify how these two organizations will be merged.

Commissioner Hauser stated that Donald Wodek is a very qualified candidate. She did encourage the City of Oakdale to look for someone else and suggested that person be knowledgeable on how watershed districts function. She also suggested that the City of Oakdale interview the three applicants who have applied to ascertain how Oakdale might fit into the scheme of things from these applicants' points of view. She does not know the outcome of that. She feels at this point that the Board should move ahead and fill this vacancy for the remaining six or seven months of the term.

The motion to appoint Donald Wodek, Woodbury, to the South Washington Watershed District Board of Managers to fill a partial term of office which runs until May 1, 1998, failed on a 3-2 vote as follows: Yes, Commissioners Engstrom and Hauser; No, Commissioners Abrahamson, Hegberg and Peterson.

Commissioner Hauser asked when the Board would take up the matter of this appointment?

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Commissioner Peterson hoped that the application would be received from the individual from Oakdale who indicated an interest, that the Board would interview that person along with anyone else who might come forward.

Commissioner Hauser asked if a time limit could be placed on this. Commissioner Peterson indicated that this should be accomplished within the month.

Valley Branch Watershed District Board of Managers

James Schug, County Administrator, announced a term of office on the Valley Branch Watershed District Board of Managers will expire on November 13, 1997. The incumbent has expressed an interest in being reappointed to this position. Mr. Schug also informed the Board that there were an additional three applications, two of whom were city recommendations, who expressed an interest in appointment. On September 29, the Board was notified that there will be a second vacancy on the watershed board effective December 31, 1997.

Commissioner Hauser moved to reappoint Dale Borash, West Lakeland Township, to the Valley Branch Watershed District Board of Managers for a three year term to November 13, 2000. Commissioner Engstrom seconded the motion and it was adopted unanimously.

It was Board consensus that the municipalities within the Valley Branch Watershed District be notified of the vacancy occurring December 31, 1997 and that interviews be scheduled with applicants who submit applications.

Appointment of Commissioners to Serve on the State of Minnesota Municipal Board

Mr. Schug advised the Board that the Minnesota Municipal Board has requested that two County Commissioners be appointed to serve on the Municipal Board, which is hearing the petition for the incorporation of the Town of Forest Lake.

Commissioner Engstrom moved to appoint Commissioner Abrahamson and Commissioner Hauser to serve on the Municipal Board to hear a petition for the incorporation of the Town of Forest Lake. Commissioner Hegberg seconded the motion and it was adopted unanimously.

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Certificate of Recognition to Idor Pederson, Washington County Commissioner, 1945 - 1977

Commissioner Engstrom moved to adopt a Certificate of Recognition to Idor Pederson Washington County Commissioner from 1945 - 1977. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Commissioner Hegberg read the following Certificate of Recognition into the record:

Certificate of Recognition

WHEREAS, Idor Pederson celebrated his 97th birthday on Tuesday, September 30; and

WHEREAS, Idor Pederson, as a WWI veteran, has been a member of the Forest Lake American Legion Post 225 since 1930. Post 225 has been the sponsor of the Independence Day community celebration for 73 years; and

WHEREAS, Idor Pederson served as an honorary parade grand marshal during the past 4th of July celebration in Forest Lake; and

WHEREAS, Idor Pederson served on the Washington County Board of Commissioners for 32 years from 1945 to 1977, after which he was dubbed "Mr. Washington County"; and

WHEREAS, Idor Pederson stands as a shining example of a businessman who understands the true meaning of dedication and devotion to one's community; and

NOW, THEREFORE BE IT RESOLVED THAT, the Washington County Board of Commissioners honors Idor Pederson on the occasion of his 97th birthday and his many years of service to the residents of Forest Lake and Washington County, Minnesota.

PUBLIC HEARING - PUBLIC WORKS DEPARTMENT**Amending the Existing Park Ordinance No. 93**

The Board Chair presented a brief overview of today's public hearing to consider amending the existing Park Ordinance No. 93 to include language prohibiting snowmobiles with studs from using Washington County paved trails and adding St. Croix Bluffs Regional Park to the ordinance.

The Board secretary read into the record the notice of intent to amend the Parks Ordinance.

Jim Luger, Parks Planner, presented a brief overview of the proposed changes to Park Ordinance No. 93. The first item he addressed was the inclusion of the St. Croix Bluffs Regional Park to the Ordinance. The

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County acquired this park on October 31, 1996. Staff recommends the amendment of the ordinance under Section II, Chapter II, section 4.a. The second item he presented pertained to the damage being done to County paved trails by snowmobiles with carbide studs and the cost to the public to repair that damage. After maintenance review of the County's approximately 21 miles of paved trails, it was determined that all trails exhibited damage characteristic of snowmobiles with studs. Staff is concerned about the durability, longevity and usefulness of the paved trails. Additional paved trails are planned for in the future. Current costs for constructing new paved trails range from \$54,000 to \$64,000 per mile. This figure does not include bridges. Normal maintenance for paved trails include sealcoating every eight years at an approximate cost of \$2,500 to \$3,000 per mile; overlayment of trails every 20 years at approximately \$19,000 to \$23,000 per mile. The County has spent \$300,000 over the past three years for maintenance of its paved trails. Because of damage to the trails, maintenance schedules will need to be changed. Sealcoating may be required every three to five years with overlayment reduced to ten to fifteen. Mr. Luger presented nine slides showing damage to county paved trails. These are on file.

Mr. Luger indicated that staff's recommendation would be to prohibit snowmobiles with studs from County paved trails.

Commissioner Hegberg asked if a person had tracks with metal traction, would they be allowed to ride to the sides of these trails? Mr. Luger indicated that they could. He gave an example of the 9.5 mile trail along TH 61 from Hugo to Chisago County line, that trail will be built with a 10 foot wide bituminous to the side and allow 15 to 20 feet for equestrian and snowmobiles. The major problem then would be crossing at the bridge points. Staff will need to discuss this further. The Minnesota DNR is also looking at how they can correct issues with new paving materials and staff will be watching that closely. He also indicated that other trails in the County that are not paved can be used.

Jeffrey Sovereign, 8 Evergreen, Landfall - Mr. Sovereign stated he has been snowmobiling for a number of years. He indicated he was in support of this ordinance to ban studs on the snowmobiles for the Washington County paved trails. He does not believe that studs are needed. He thinks that the studs do damage the trails. He feels people with studs on their snowmobiles may have a false sense of security and if a person snowmobiles on ice they may be safe. He believes snowmobiling on ice is very dangerous.

Randy Franke, 1701 Century Circle, Woodbury - Mr. Franke read from a prepared statement which was placed on file. He urged the County to work with representatives from all of the different groups that use this resource to come up with an acceptable solution. He does not believe studs should be banned from Washington County paved trails.

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Steve Breheim, 2515 Belmont Lane, North St. Paul - Mr. Breheim indicated he was the secretary of the Star Trail Association. He feels that studs are a safety device that has been made more popular in the last five to seven years. He feels that the Star Trail Association should work with the County to come to some sort of an agreement. He believes that studs should not be banned. The ordinance that has been written makes the law enforcement officers exempt from the studded issue. That, to him, indicates that it is a safety issue and does not feel that others should be singled out. If studs are banned, then law enforcement should also be banned. The wording "metal traction device" is vague and should be changed to clarify studs. The older snowmobiles do have metal bars and it could cause trouble for the people using those types of items.

Dorian Grilley, 214 Park Avenue, Mahtomedi - Mr. Grilley indicated that he and his family bicycle a lot. He is a member of the Minnesota Parks & Trails Council, Minnesota Coalition of Bicyclists and the Minnesota Recreational Trail Users Association. These organizations do not oppose snowmobiling, nor does he. He does support the proposed amendment. He indicated that the State of Minnesota did it to protect its investment in paved trails. He was present at those hearings and no one opposed it. The lobbyist from the Minnesota United Snowmobilers Association was there and he didn't oppose it. He rides the trail from Mahtomedi to the Gateway Trail everyday. There is damage at every intersection, but there is also damage periodically as the snowmobiles make moguls in the trail and there is damage at the bottom of every one of those. That trail was paved in late October. The first snow was just a couple of inches. The next morning there were scrapes, some of them a quarter inch deep in the trail. Mr. Grilley presented the following statistics for the Board to consider: The Minnesota Department of Transportation indicated there are 2.6 million bicyclists in Minnesota; International In-line Skating Association says there are 800,000 in Minnesota; DNR says there are 275,000 registered snowmobiles in Minnesota, twenty-five to thirty-five percent have studs; Minnesota United Snowmobile Association says about fifty percent of their members have studs. There are roughly ten times as many bicyclists and skaters as registered snowmobiles. Thirty to forty times as many bicyclists as snowmobiles with studs. He feels that snowmobiles can currently ride in road ditches and the roads in some communities and there are plenty of alternatives to the 21 miles of paved trails in the County. He urges the Board to support the proposed amendment and to look for alternative routes for snowmobiles with studs.

Commissioner Abrahamson asked that Mr. Grilley leave his statistics with the Board Secretary. Mr. Grilley indicated he would send the information into park staff.

Irv Kepren, 9735 Miller Road, Cottage Grove - Mr. Kepren indicated he has been a snowmobiler for thirty years. The carbide picks that are proposed to be banned on the tarred trails and so forth do damage, and they do excessive damage where they are stopped and started. Regarding the safety issue, he believes they do help on ice, the carbides cut right into the ice. An alternative paving material should

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be placed on the bridges. He suggested a hard wood so everybody could use them. He believes that any trail that has been a trail for snowmobiles in the park should continue to be a snowmobile trail. He feels the money that is raised from skateboarders, bicyclists and so forth to help pay for these trails, does not come very close to the money that is put out by snowmobilers on unrefunded gas tax and license fees. He thinks there should be a trail paved on one side for bikes and skateboarders, on the other side could be a snowmobile trail. He suggested the trail being built in the Hugo area along 61, that either one side be tarred and the other side isn't so a snowmobiler can run there.

Steve Metcalf, 1259 E. Highway 36 - Mr. Metcalf stated he didn't have any further comments that haven't already been stated. He does feel the safety issue is a big one.

Terese Mudrick, 6900 Lent Trail, Stacey - Ms. Mudrick stated she has been an avid snowmobiler for 25 years. It has been a fantastic sport for Minnesota financially and as a family sport to create a positive family time event. She has been in the road construction business since 1982 until this year when they sold. She is certified with all types of paving material. She has been the president of the Chisago County Parks and Trails Foundation and is currently on the Board. She is here representing the Minnesota United Snowmobilers Association and is also a member of the Wild River Snowmobile Club. She worked on Sunrise Trail in Chisago County which is 17 miles long. It goes from Trunk Highway 95 in North Branch to the Washington County line, one mile north of Forest Lake. The 9.5 miles from Hugo to Forest Lake will meet up with this trail and hopefully will be complete in 1998. About six years ago the snowmobilers in this area got together with the parks departments and have raised funding, and the Parks and Trails Foundation has raised \$100,000 to acquire over a million dollars in ISTEA funding. Chisago County has come up with the following ideas to keep this a multi-use trail: On road crossings and bridge crossings prior to where the trail is going to cross a bridge in the high maintenance area, they are obtaining mine conveyor belts that will be placed along and over the bridges. Along the 10 foot paved or blacktopped 17 mile trail they placed a 12 foot gravel path which will be groomed in the winter for snowmobiling. They will place every thousand feet a snow fence across the paved trail to keep the snowmobilers on their portion of the trail. They are asking that any excess snow off the roads be placed on the blacktop causing a bumpy, hilly effect that the snowmobilers will not want to go there. On a personal issue, Ms. Mudrick indicated she has two children who are certified snowmobile riders and they all use studs. She feels there is a safety issue. She also mentioned that the profitability for restaurants, gas stations and snowmobile dealers in Washington County will go down. She asked how much of the funding for the trails is coming out of the pockets of bicyclists and rollerbladers, and how much money do they generate, she would guess not a lot.

Chuck Bever, 13175 4th Street North, West Lakeland Township - Mr. Bever stated that most of the comments he was going to make have already been stated. He has been a snowmobiler for quite a few

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years. He belongs to the St. Croix River Snowdrifters Snowmobile Club. As a member of this club they provide a cleanup for the City of Lakeland every spring, they have been in the highway helper program; and they have provided park benches along the Star Trail system which is a multi-use trail. He noted that Public Works staff mentioned that there would need to be an increase for funding because of the damage these snowmobiles are making on these trails. No one debates the fact that there is damage to the trail and there may have to be increased funding. He feels that snowmobilers provide a lot of money towards the trail system. If there is going to be an increase in the amount of maintenance, he believes there is plenty of money from the snowmobilers. He feels that if the Board votes to ban studded snowmobiles from the paved trails in Washington County, he would like to see wording put in that it applies only along those sections at which another place is provided for the snowmobilers to go. If a one mile portion is closed off because there's no paralleling gravel trail for them to travel on, almost the entire trail becomes impassable.

Commissioner Peterson asked what is the average registration fee for snowmobiles? Mr. Bever indicated that it was \$47 every three years.

Shane Bethke, 9541 75th Street North, #5, Stillwater - Mr. Bethke stated he was a very avid bicyclist and rollerblader. He rides the trails at least three times a week. He finds it a lot more dangerous crossing roads with sand and other debris on it than where the studs have made marks on the trail. On the Gateway Trail where snowmobiles are not allowed there is damage from the ground heaving and pot holes in the tar which is similar to what the snowmobiles are making. He indicated he also snowmobiles and he rides horses on the side of the trail where they had to fight long and hard to get them put in. When the trail was originally designed there was no provision for anything other than bicyclists. Most of the bikes that are sold today have a multi-tread pattern on them that are allowed to go off roads such as mountain bikes, BMX style bikes. Most of the people that ride bikes that have very narrow thin tires ride on the side of the road because they feel it's better for their training to be more consistent with an actual race.

Bruce Tuckner, 16042 6th Street, Lakeland - Mr. Tuckner stated he and his brother own Century Power Equipment in Stillwater and they sell snowmobiles. He addressed some points made by other speakers. Somebody brought up the fact that there was a first snow fall on a paved trail with only a couple of inches. He didn't deny the fact that if there is two inches of snow there should be no snowmobile riding on a paved trail. Maybe signs should be placed on these trails stating a limit of snow that can be traveled on. Snowmobilers' habits can be adjusted by how the trails are groomed. Snowmobilers spend a lot of time keeping the trails in Washington County groomed. They have a hard time keeping up because Washington County has more people riding than any other County. People stop at his store, park their trailers and they ride in Washington County because it's close. The County needs to work a little bit more diligently with the Washington County Star Trail Association who mark the trails. Nobody has

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come to them and told them where to change the trail to. They mark the trails, talk to landowners to get permission, try to get the trails hooked up so they can ride in the same places as last year. The County is trying to keep a rural flavor but he feels it's turning into a city. This County is growing faster than anyone can imagine. He heard a television report where a biker said maybe the snowmobilers should go somewhere else. He believes that everyone should share these trails so that nobody has to go someplace else. He indicated he sells 300 snowmobiles a year. Half of them get studs and half of the people don't. It's not so much that they are trying to go faster, jump higher. There are speed limits in the state. They want the ability to stop. If the ditches become icy and the snowmobile does not have studs, sometimes they cannot get up them and keep going.

Mike Krueger, 1109 81st Avenue North, Brooklyn Park - Mr. Krueger stated he is an avid snowmobiler and the way the ordinance is written all snowmobiles are illegal because every snowmobile is equipped with a metal wear rod on the skis in order to turn the snowmobile. When the ordinance states metal traction devices without clarifying studs all snowmobiles would be illegal on these trails. He's against the ordinance, but if it passes the wording should be clarified that it's metal studs. Older snowmobiles with cleated tracks which came that way would be illegal the way the ordinance is written.

The Board Chair asked for further comments; none were heard. The Board Secretary indicated she had all the documentary evidence.

Commissioner Engstrom stated that several people have referred to documentation or have offered to send in comments. If the public hearing is closed today, he would like to keep it open for written comments at least until October 10.

The public hearing was closed for oral comments at 6:30 p.m.

Commissioner Abrahamson stated that one of the speakers mentioned that Washington County should work with some of these snowmobile associations. He believes that the Board bends over backwards meeting with the associations and working with them on the trails and bridges. He knows people have appeared before this Board regarding those trails up on the 61 corridor going into the Forest Lake area. He also mentioned that the State of Minnesota at one time had studded snow tires and they are now banned. There is damage on the trails.

Commissioner Hegberg asked is there any portion, other than the bridges where there will be problems, are there any other trail where this is no alternatives? Jim Luger stated that staff is trying to make a dual trail on that nine and one half miles along 61. Staff is not sure how this will all play out. They are following what the DNR is doing and he knows the belt issue is out there. The biggest concern they have

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is the wear on the paved trails. One of the points they would make is that within that right-of-way where the trail exists, there are areas not on the trail that snowmobiles could utilize, the back slopes of the ditch, the ditch bottom and so forth. They are not asking to take away the corridors, they are asking that the paved trails be preserved.

Commissioner Hegberg stated that as the scenic roads issue is discussed more trails will be added and they will probably be multi-use trails with pavement and gravel on the sides. He thinks that the County has worked and continues to work with the snowmobile association, especially in Hugo and Forest Lake. He also received complaints about snowmobiles regarding tree damage. Snowmobilers must be cognizant of that fact and he realizes that it is not the responsible snowmobilers that causes those problems.

Commissioner Hegberg asked that the County Attorney's office add some of the comments that he has heard for making the exception of the areas where there is no alternative, those on the bridges. Staff is working diligently on a solution to that problem. The other issue is the wording of metal traction devices. Regarding the police officers, he believes there is an issue that the police officers need the metal studs because they have to maneuver across lakes and sometimes being in pursuit of individuals that do have metal studs. There are probably only two snowmobiles that the County patrols the area with.

Commissioner Hauser is not sure if the County's future plans need to be placed in the ordinance, those could be directions to staff. Direction could be given to staff that the Board would like to accommodate the riding public by being able to provide alternative trails where that is possible, but she does not believe that should be part of the ordinance. She did have a question on the definition of metal traction devices and asked staff to look at that so there is not a confusion on what is allowable and what may not be allowable. She stated she has heard from landowners who would like to go a great deal farther than what the County is proposing because they do not care to have snowmobilers cross their paved driveways and tearing them up as they are running through the ditches.

Commissioner Engstrom stated he would like to see the written materials that individuals indicated they would provide and take this matter up next Tuesday.

Don Wisniewski, Public Works Director, indicated he would check on the language regarding metal traction devices. He believes the best lead to take is from the State of Minnesota and what they have written. They will go back and see if there is a more refined definition of metal traction devices in the State Statutes.

Commissioner Peterson thanked the snowmobilers for being here this evening and conducting themselves in a polite and respectful manner.

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Jack Perkovich, Deputy Public Works Director, asked if the Board could extend further discussion of this matter to October 21 to give staff sufficient time to pull together written comments that may be submitted through October 10.

Irv Kepren, Cottage Grove, asked where the money comes from to pave these trails? Commissioner Peterson indicates that it comes from the general levy, from property taxes.

Commissioner Abrahamson moved to continue discussion and final action on the proposed amendment to Park Ordinance No. 93 to October 21, 1997 and that written comments will be accepted through October 14, 1997. Commissioner Engstrom seconded the motion and it was adopted unanimously.

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Hegberg reported on the GIS meeting and they are looking at charging a fee for recording documents to help offset the cost of doing the GIS part of the property as it's being developed and there may be a plat fee on that also. He also reported on the joint powers agreement for regional waste management CRT's. Discussion was held that TV's and CRT's will be looked at for recycling because of the amount of lead in them. The household hazardous waste facility is now accepting those items for a fee.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

RECESS

Commissioner Abrahamson moved to recess for fifteen minutes. Commissioner Hauser seconded the motion and it was adopted unanimously. The Board meeting recessed at 6:50 p.m.

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PUBLIC HEARING - OFFICE OF ADMINISTRATION**Brown's Creek Watershed Management Plan Amendments**

The Board Chair presented an overview of today's public hearing to receive comments on the draft changes to the Brown's Creek Watershed Management Plan. The intent of the proposed changes is to add two capital improvement projects to the Plan to provide surface water outlets for the School Section, Goggins Lake Area and the Kismet Basin area.

The Board secretary read the notice of public hearing into the record.

Mark Doneux, Water Resource Specialist, Soil and Water Conservation District, presented a brief history of the flooding problems in the School Section/Goggins Lake outlet and the Kismet Basin outlet. He indicated that the City of Hugo initiated a feasibility study to evaluate solutions to flooding in the School Section/Goggins Lake outlet and four solutions were developed; 1) Surface water discharge to Brown's Creek via open channel; 2) Surface discharge to Brown's Creek via pipe; 3) Pipe to the Rice Creek Watershed to Long Lake; and 4) No build or buy out option. Mr. Doneux presented maps outlining where these particular areas are located. He stated that concurrent with rising waters in School Section/Goggins Lake, the Kismet Basin area of the City of Grant was also experiencing high water. He showed graphics of the water level increase. The City of Grant requested that the Conservation District provide engineering design for a possible outlet structure. Their office worked with the Metro Cluster Engineering group to provide a design for a combination of pipe and surface channel outflow for the Kismet Basin.

Mr. Doneux presented a summary of comments from the following agencies regarding the proposed Brown's Creek Watershed Plan Amendments and the County's proposed responses to those comments: July 16, 1997, Washington County Public Works; July 29, 1997; Metropolitan Council; August 27, 1997, Minnesota Board of Water and Soil Resources; August 25, 1997, Minnesota Department of Natural Resources; August 27, 1997, Minnesota Department of Agriculture; and on August 29, 1997, Minnesota Pollution Control Agency. Plan amendments were also sent to the eight communities that comprise the watershed and received no comments from those communities. He concluded his remarks with an amendment schedule and how that would relate to the transition of the watershed entity. He stated that at this stage staff will need to incorporate comments received tonight, the agency comments, Board comments and submit the plan to state agencies for the final review at which point the future watershed entity can continue the process if it so chooses.

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

Commissioner Engstrom moved to close the public hearing. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

The Board Secretary indicated she did have all the documentary evidence.

The Board Chair directed staff to forward the Brown's Creek Watershed Management Plan Amendments, all written comments received on the plan, a record of this public hearing and a summary of the changes incorporated into the plan as a result of the review process to the appropriate agencies.

Jane Harper, Principal Planner, informed the Board that there will be a Board workshop to bring the specific comments from the agencies back to the Board for further discussion and for the Board to look at the final plan amendment before it is submitted. Staff hopes to hold this workshop within the next two to three weeks.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Abrahamson moved to adjourn, seconded by Commissioner Engstrom and it was adopted unanimously. The Board meeting adjourned at 7:40 p.m.

BOARD WORKSHOP WITH THE DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT

The Board meeting was preceded by a workshop session with the Department of Health, Environment and Land Management to discuss the Waste Management Act Rewrite. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Mary McGlothlin, Judy Arends and Eileen Weber, citizen of Cottage Grove.

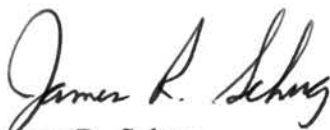
BOARD WORKSHOP WITH THE COMMUNITY SERVICES DEPARTMENT

The Board meeting was preceded by a workshop session with the Community Services Department to discuss the McKnight Grant. No business was transacted and the public was welcome to attend. Present

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for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Dan Papin, Char Farnum, Robert Butler, John Devine, Joan Sprain, Robert Crawford, and Eileen Weber, citizen of Cottage Grove.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
OCTOBER 14, 1997

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Howard R. Turrentine, Assistant County Attorney; Don Wisniewski, Public Works Director; Don Theisen, Deputy Public Works Director; Dan Papin, Community Services Director; Char Farnum, Division Manager, Community Services; Suzanne Pollack, Community Services Supervisor; Joan Sprain, Minnesota Extension; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, H.E.L.M. Manager; Kathy Nordine, Land Use Specialist; Dennis O'Donnell, Senior Land Use Specialist; Russ Reetz, Court Services Director; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Engstrom to adopt the following Consent Calendar:

1. Approval to execute option to extend Corporate Express contract for one additional year from October 1, 1997 through September 30, 1998.
2. Approval to extend Tubby Lohmers/Carlson Wagonlit Travel contract for one additional year from October 1, 1997 through September 30, 1998.
3. Approval to renew contract with Susan J. Ladwig for legislative representation for 1998.
4. Approval for a pre-hire Appraiser I position in the Assessor's Office.
5. Approval of SSIS computer equipment and software lease agreement with Human Services, Inc.
6. Approval of needs determination for a new day training and habilitation site in Forest Lake for persons with developmental disabilities.
7. Approval of a memorandum of agreement with University of Minnesota Extension to coordinate the Welfare-to-Work planning process funded by the McKnight Foundation.

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8. Approval to execute agreement with the City of Stillwater and authorize payment for distribution of curbside recycling funds in the amount of \$61,544.
9. Adoption of **Resolution No. 97-140** as follows:

Establish a No Parking Zone Along CSAH 15 from Mendel Road
to County Road 68 in the Vicinity of the Gateway Trail

WHEREAS, maintaining adequate sight distance at the Gateway Trail's crossing of CSAH 15 is difficult because of cars parked immediately adjacent to the trail on CSAH 15; and

WHEREAS, a provision of the access permit issued to allow construction of Manning Avenue Court North, just north of the trail was that parking must be allowed on at least a portion of it to accommodate trail users.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes the Director of Public Works to establish a "No Parking" zone along CSAH 15 from Mendel Road to County Road 68 and to erect and maintain proper signing.

10. Approval to accept grant for \$25,000 from the U.S. Department of Justice for COPS More '96. This money will be used to hire one full-time Correctional Sergeant Information Specialist.

The foregoing Consent Calendar was adopted unanimously.

PUBLIC HEARING - HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Amendment of the Comprehensive Plan and a Rezoning of Property in Denmark Township

The Board Chair presented an overview of today's public hearing to consider a request by Bill Pond and Don Lothenbach to amend the Washington County Comprehensive Plan and Washington County Zoning Ordinance to rezone approximately 9 acres of land in Denmark Township from R-1 rural residential, to GB general business.

The Board Secretary read the notice of public hearing. The Board Chair declared the public hearing open at 9:10 a.m.

Kathleen Nordine, Land Use Specialist, stated this is a resubmittal of an application to rezone the property at 12590 127th Street from R-1, Rural Residential to GB, General Business. The application also requests that the Comprehensive Plan be amended to change the general land use of this property from agricultural to commercial. The County Board heard this request in January, 1997. The request was denied. The

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denial was based on the request's inconsistencies with the Comprehensive Plan's policy of locating commercial and industrial land uses only where urban services are available and also the policy of not allowing nonconforming uses to become conforming uses through rezoning requests.

Ms. Nordine indicated that Denmark Township has approved this request to rezone the property from A-1 Agricultural to GB General Business. They also granted a conditional use permit to establish an automotive repair use on the property. She also stated that the Washington County Planning Commission did review this request on August 26, 1997 and recommended approval of both the rezoning and Comprehensive Plan amendment.

Ms. Nordine presented a brief overview of the applicants' request and displayed maps outlining where this property is located. She stated that the property is improved with a 17,000 square foot building, parking lot, on-site sewage treatment system and well. She described the adjacent properties to the north, east and south as being zoned R-1, Rural Residential. The property to the west and northwest are zoned commercial. In 1978 a special use permit was issued permitting the construction of a bowling alley. That structure is no longer used as a bowling alley and has been vacant for several years. She stated the property is nonconforming.

Ms. Nordine reviewed the applicant's proposal to establish an automotive repair shop on the property. She then presented the staff's review which included: Zoning ordinance requirements; Compatibility with adjacent land uses; Conformance with the comprehensive plan; Whether or not it's a spot zoning; Timing - utilities; and, Effect on sanitary sewer, water, roads and schools.

Ms. Nordine noted that the Zoning Ordinance recently adopted will change the zoning designation for this property. The R-1 zoning designation would change to an A-2 agricultural designation. The A-2 designation is generally more restrictive than the current R-1 in terms of density and uses. If the property is rezoned to GB it will become a commercial/industrial rural district.

A memo from Kathleen Nordine, Land Use Specialist, to the Washington County Planning Advisory Commission was placed on the record. Also included were the minutes from the Planning Advisory Commission meeting of August 26, 1997.

Commissioner Peterson stated she is aware of a car dealership being built in this area. She asked Ms. Nordine where that was going to be built. Ms. Nordine pointed that out on the map. She also indicated there was a mini-storage going in on that property.

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Commissioner Hegberg asked that if the Board were to rezone this property and allow the property to become an auto repair shop, would that continue to be operated under a conditional use permit? Ms. Nordine stated that the new ordinance requires a conditional use permit for an automotive repair shop.

Commissioner Hegberg asked if that would be reviewed by the township and the County? Ms. Nordine stated that a conditional use permit is required under the township ordinance and the applicant has received that from the township. The applicant would now need to come to the County for a conditional use permit.

Commissioner Hegberg asked if that conditional use permit is reviewed on a five year basis? Ms. Nordine indicated there was not a requirement that it be reviewed every five years. A condition could be placed in the permit requiring a staff review every year or every five years.

Commissioner Engstrom mentioned that Metropolitan Council in its recently adopted plan has most of Denmark Township as permanent rural has she reviewed that? Ms. Nordine stated that basically this whole area is farm, long-term agriculture. She was not sure of the exact classifications they use.

Commissioner Hauser stated that the property adjacent to the applicant's property is zoned retail business. She asked Ms. Nordine what is allowed under the retail business zone? Ms. Nordine indicated that the retail business zone primarily allows a variety of commercial uses, mostly retail.

Commissioner Hauser asked if a bowling alley would be considered a retail business? Ms. Nordine believes that it would. Commissioner Hauser asked if an auto repair would be a retail business? Ms. Nordine indicated that would not be a retail business.

Commissioner Hauser asked if auto repair is in a special category no matter what as long as it requires a conditional use permit? Ms. Nordine stated that the retail business zone does not allow auto repair and that is why the applicant chose GB. Under the current ordinance, only a certificate of compliance is required under GB. A conditional use permit will be required in the new zoning district.

Commissioner Hauser asked Ms. Nordine to review the kinds of business that are allowed in general business? Ms. Nordine stated that general business allows a variety of uses such as automotive repair, car wash, cafes, restaurants, clubs, lodges, farm equipment sales, greenhouses, hotels, medical uses, nurseries, art studios, truck and automotive repair, transportation freight terminals and a long list of uses.

Commissioner Hauser stated that what the Board should be looking at is when the Board is asked for rezoning it should look at the kinds of uses to which this land could be put. The applicant would not

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necessarily use all of that property just for auto repair. The applicant has made clear that it is possible, if this request is successful, they have plans to subdivide that lot. Ms. Nordine stated the applicant may lease a portion of the building to another tenant.

Commissioner Hauser stated that General Business is the only classification that allows auto repair, so the Board is being asked by the applicant to find a zone that fits the kind of business he wants to perform on that piece of land. Ms. Nordine stated that General Business would be at this time the most suitable zone for that use.

Paul Zisla, Attorney, appeared before the Board representing Bill Pond the landowner. He indicated Donald Lothenbach was here as well as Mr. Fitzpatrick, Denmark Town Board, to answer the Board's questions. He highlighted items he felt the Washington County Planning Advisory Commission considered in making their recommendation for approval.

Mr. Zisla stated it is a fact that the property was used as a bowling alley for many years. There is an existing building and at this point the most practical and feasible way to use that property is to continue in a commercial use. He does not believe it is agricultural property or residential property. Another significant consideration has to be the action of the town board which recommended approval. There should be consideration as to how this property became what staff called a nonconforming use. It seemed to him that when the zones were created there was an oversight and that commercial zone should have been extended out to pick up this parcel because that is how the land was used.

Mr. Zisla feels the Board is right to be concerned about the notion of expanding commercial uses into an unsewered area, but they believe this proposal does not force the Board to make that policy decision. In this case the building is there, it was used in a commercial capacity. It is a practical adaptive reuse of that building and property. In terms of expansion of sewers he indicated there is a septic system that has to be regulated and meet County requirements. Under the current ordinance, uses have to get a certificate of compliance which gives the County review rights. Under the new ordinance a conditional use permit is required. A subdivision for additional commercial uses, which is not proposed, is going to have to be reviewed and regulated. The Board and County officials have an opportunity to look carefully at the groundwater issues and the demands on the septic system.

Mr. Zisla stated there was generalized talk about how this use may be incompatible with the neighbors. On the map, where ever you draw the line there is going to be a border between a commercial or a general business or residential business, whatever the use, and adjacent agricultural land. That's no different for this building and project than it is for the other ones that have been approved. Looking at the site itself, those conflicts are more imagined than currently existing. The auto body shop always

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raises concerns. The materials used have to be treated in a specified way, they have to be controlled. They are not dumped into the groundwater, they are not dumped out in the backyard. Any user of the building has to dispose of whatever materials they have there properly. The auto body shop is no different than the residential user nearby who is doing some work in the garage. They can do things with their car and have all kinds of chemicals and can go out in the backyard and dump that as wrongly as anybody else. Mr. Lothenbach is not planning on doing that, that is not a proper operation. In terms of putting things into the septic system instead of the sewer, that is a wrong thing to do. It's as likely in any use regardless of whether it's Mr. Lothenbach or someone else. It shouldn't happen, you can't assume it's going to happen. The chemicals he uses are generally available. It's no different than the car dealership nearby.

Mr. Zisla stated there is a comp plan issue and there is an inconsistency issue. That's always troubling to a Planning Commission and County Board. He believed the Planning Commission resolved that issue. He believes the simplest answer is that there is no need for a conflict here in terms of the land use plan and zoning map. That's not to fault the work anybody has done previously. It's difficult when there is an existing facility there, but it was an existing commercial use. He thinks the plan and the zoning ordinance should be adjusted to accommodate that.

Commissioner Engstrom stated the Mr. Zisla has made a good argument that commercial uses are more regulated than residential, but if the Board would accept that theory then the entire County would be zoned commercial to have the regulations.

Mr. Zisla stated that this particular commercial use is regulated on those things the Board is concerned about. The County has the right to look at how that land's being treated, how the water's being handled, how the traffic's going to work, how the access is going to work, landscape, buffer, all the usual kinds of things. He indicated his point was continued use. The Board had concerns about what are other things allowed under the ordinance at that site, is the Board zoning or picking a particular use. The Board always has that dilemma. Those other uses aren't before this Board. When they do come before this Board in some fashion, he's not saying there is a particular proposal for those uses that he can talk about, but the Board has an opportunity to look at those proposals if they come in.

Commissioner Hegberg asked Mr. Fitzpatrick, Denmark Township Board, does the Township require an annual review on its conditional use permits. Mr. Fitzpatrick indicated that they do review every conditional use permit annually.

Commissioner Peterson asked if that was an onsite inspection or just a visual? Mr. Fitzpatrick stated it's not onsite, but it's required that permittee show up. It could be onsite depending on what the review process discovers.

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Commissioner Peterson asked if a review of the septic or groundwater could be a part of the conditional use permit? Ms. Nordine indicated that could be part of the conditional use permit.

Jim Fitzpatrick, Supervisor, Denmark Town Board, stated that he is in his third term of office and in that time they have seen difficulty with the property in question being that it was a bowling alley in what they considered an agricultural zone at that point. When they looked at the township ordinance book, a bowling alley is a permitted use, restaurants and lounges were not. This particular business had all three. The lounge portion of it, which was cited on a number of occasions for noise violations, was somewhat troublesome. Because they were operating under the assumption that this particular business was in a commercially zoned area, and he used those words specifically, they had very little control over it. The town board was unilaterally amazed by the fact that when the applicant came in to change the business they were caught short understanding that this was not what they considered a commercial zone. There were in fact two separate zones, none of which involved this property. When they looked at why, they may have come up with some of the confusion. The bowling alley was applied for and established in 1978, at that point under a special use permit. It was the town board's concept, and he can't speak for past town boards, but it was their belief at that point in time the next time the planning came around from the County's perspective that particular property would be included in what was then a whole commercial strip. That's the way the township viewed the operation of those contiguous properties. He indicated that perhaps is the reason for the town Board's confusion most recently in that it did not happen and they were unaware of it. Some of the problems they have in the township level is that they have about four different zoning maps none of which completely correspond to each other with all of the minute lines. They are waiting for the County comp plan to be finalized and all of its ordinances so they can look at their zoning lines and be sure of where they are.

Mr. Fitzpatrick stated that the conditional use permits come up every year for renewal. The gravel pit has a multiple year renewal process. If prior to the renewal process there is a problem or special requirement for that renewal the town board and the consultants are alerted and specific attention is paid to those particular requirements. The town Board looks at this particular application as a reestablishment of a commercial business that they lost some years ago. They would like to seek that particular piece of property reutilized. They do not have a problem with Mr. Lothenbach's request because he comes with very good marks in the business where he is now located. In addition, it's a body shop and not a general engine repair so he's not dealing with gasoline, motor oil, break fluid, transmission fluid and things like that. He's painting and bending metal back together. His business is regulated by the state and the EPA. Any of us can change the oil in our car and take it out in the driveway and dump it and there is no oil cop around the corner that's going to come and arrest us. Mr. Lothenbach's business is regulated and they are inspected with the stuff that comes out of them.

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Commissioner Engstrom asked Mr. Fitzpatrick if he was on the town board in 1978? Mr. Fitzpatrick indicated he was not. Commissioner Engstrom asked, if this property came in for a rezoning and there was not a building on it, would he vote on the town board to rezone it to general business, if it were a cornfield now? Mr. Fitzpatrick stated he would not. Commissioner Engstrom asked, how would Denmark Township handle a situation where well water was contaminated, not necessarily from this business, but from any problem, how would the township react, what would they do to get drinking water to homes? Mr. Fitzpatrick stated he was not sure he knew how to answer that question. For one thing that contamination could come from virtually anyplace. The town does not currently have a plan for that.

Commissioner Engstrom stated that this is not about the credibility of Mr. Lothenbach or an auto body shop. The issue to him is a rezoning request to general business that has a lot of allowed uses and has some repercussions.

Mr. Fitzpatrick stated he appreciated that and his comment to that is that may be where it is right now, but to the township over the last two years that is a surprise.

Commissioner Peterson asked Mr. Fitzpatrick if they have had complaints about the condition of the building? Mr. Fitzpatrick stated he cannot say that they have because it has been empty for two years or so. People haven't come to the Board and said fix it or get rid of it. They are interested in having something happen.

Commissioner Abrahamson asked what the vote was on the town board? Mr. Fitzpatrick indicated that the vote was either unanimous or 4-1, he didn't have it in front of him, but it was not a 3-2 split. Commissioner Abrahamson asked if the town board did send a letter to Washington County in support of the rezoning? Mr. Fitzpatrick indicated that was correct. Commissioner Abrahamson asked if that letter was sent after January of 1997? Mr. Fitzpatrick stated it would have been after the last time the application was submitted to the County and he understands that was about six months ago.

The Board Chair asked for further comments; none were heard. The Board secretary indicated she did have the documentary evidence. The Board Chair closed the public hearing and opened the matter for discussion and comments from the Board.

Commissioner Hegberg stated he was on the Planning Advisory Commission and heard its discussion and its reasons were ample and respectful of the property and its current uses and how the history of it placed it there. He thinks the nine acres is probably good because it does offer some buffer between the R-1 zone. He does not find it to be a spot zoning because it was next to what is called the General Business area.

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Commissioner Hegberg moved to approve the request by Bill Pond and Don Lothenbach to amend the Washington County Comprehensive Plan and Washington County Zoning Ordinance to rezone approximately nine acres of land in Denmark Township from R-1 rural residential, to GB general business. Commissioner Abrahamson seconded the motion.

Commissioner Engstrom stated he would oppose the rezoning as he did last time. He does not believe the arguments have changed. The Planning Commission vote may have changed and it's one of those things that he's not sure why that happened. He stated the Board has two policies in place. One policy that says no expansion of commercial into unsewered areas. That is in place for a very specific reason and that is for the protection of groundwater. If the Board starts going against its own policies, he thinks the liability might be on the line if there is a potential groundwater problem. County staff and the U.S. Geological Survey say that the potential for groundwater contamination is within weeks to years. He thinks that alone makes this a very difficult issue. He doesn't support the other commercial businesses that are in there either, he wasn't here when that happened. The other policy says that the County will not allow a nonconforming use to become a conforming use through a rezoning request. Mr. Zisla has made good arguments, the Denmark Town Board has made good arguments, he's talked to a good number of citizens in the area on both sides of this issue. He believes that the potential, and it doesn't matter if it's from this business or from where ever, but the potential of rezoning this, because all of the uses have to be looked at, groundwater contamination is significant. The town board does not have a plan for groundwater contamination. There are another couple of businesses that are nonconforming uses, in another township north, and there has been some groundwater contamination. The City of Lakeland had to put in a water supply system at the cost of millions of dollars. The argument that the business is regulated doesn't do it. The businesses that are in West Lakeland Township are regulated too. There was an accident that happened, there was a tank that leaked. He's opposed to this request and would have made the motion to deny it.

Commissioner Hauser stated that Commissioner Engstrom has made most of the points she was going to make. She did reiterate that the applicant's proposed use is what is driving the request. It isn't that this is how the town has looked at its plan. Even though Mr. Fitzpatrick said that the town was surprised that area was not zoned commercial, which he seemed to lump all those commercial, in fact all those who testified lumped commercial into one bucket when the fact is the adjacent use is a retail business it is not a general business use and should be taken into consideration. The applicant's proposed use is driving the request and that is contrary to the Board's policy of not allowing nonconforming uses to become conforming uses through the rezoning request. Mr. Zisla in making his testimony seemed to try to make a point that other uses were not before the Board. She thinks that is just the opposite. Other uses are what is inherent in changing the whole zoning in this particular area. It is the other uses. There is a potential for at least three businesses on that nine acres. Mr. Fitzpatrick did make the point, and if

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indeed the town board felt they had no control because they assumed the bowling alley was in a commercial district, why do they feel they would have more control now when this will make it a commercial district over which the town board felt helpless to make any control over the use that was there as a bowling alley, restaurant and bar. She will not vote in favor of the motion. She feels this proposal is not to rezone, but is to do anything to make it possible to locate an auto body repair place on this particular property and she believes it's inappropriate that the Board rezone that kind of request in view of the Board's policy.

Commissioner Hegberg addressed three points: One was pollution - He thinks everyone is conscious of what was done in the sixties and seventies and realize that type of activity caused the problems that are being faced today and have learned from past mistakes. Second, the conditional use permits would be required if this property would be additionally developed. He does not think it would be, his vote would be not to do it. Third, he feels this is an oversight. The Board has strengthened its past ordinances. This property is no different than some other properties, the Withrow Ballroom for example, that the County changed the zoning on that with the Comprehensive Plan. The reason it was changed was because the Board recognized that business has been there, and has been there for a long time. There are other areas that the Board will have to be looking at that will be an oversight also. He finds that the County does have control, he's not for expanding, but recognizing that previous uses have to be accepted because that's past decisions.

Commissioner Hauser stated that once the property is rezoned the County loses control over how that property will be divided and what types of business can be placed on that property.

Commissioner Abrahamson stated there is a lot of data in front of the Board, he's sure all the Board members have read it. They are all familiar with the Planning Commission and its decisions. The decision of the Town Board, they are all aware of that. At this time, Commissioner Abrahamson called for the vote.

The motion to approve the request by Bill Pond and Don Lothenbach to amend the Washington County Comprehensive Plan and Washington County Zoning Ordinance to rezone approximately nine acres of land in Denmark Township from R-1 rural residential, to GB general business failed on a 3-2 vote as follows: Yes, Commissioners Abrahamson and Hegberg; No, Commissioners Engstrom, Hauser and Peterson.

Commissioner Engstrom moved to deny the request by Bill Pond and Don Lothenbach to amend the Washington County Comprehensive Plan and Washington County Zoning Ordinance to rezone approximately nine acres of land in Denmark Township from R-1 rural residential, to GB general business

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based on the County Board's policies for no expansion of commercial into the unserved areas and not allowing nonconforming uses to be conforming by issuing rezoning requests and also reiterate the Board's concern for protecting groundwater supply; and, direct the County Attorney Office to prepare a resolution reflecting the action taken at today's Board meeting. Commissioner Hauser seconded the motion and it was adopted 3-2 with the vote as follows: Yes, Commissioners Engstrom, Hauser and Peterson; No, Commissioners Abrahamson and Hegberg.

Commissioner Abrahamson stated he does not blame town boards for getting upset and changing over and becoming cities. When the County Board is putting business places out of business on a pretense that septic systems do not work. He would argue that they are probably safer than the sewer systems, especially in commercial. He's always gone along with townships, voted with townships because they are on top of the situations. The County garages have a lot of equipment, a lot of trucks and the property is on septic systems.

COMMUNITY SERVICES DEPARTMENT

Resolution Proclaiming the Week of October 12 - 18, 1997 as Family Child Care Provider Week

Suzanne Pollack, Community Services Supervisor, introduced Debbie Fischer, Woodbury, and Carol Stendahl, Forest Lake, who are this year's Family Child Care Providers of the Year recipients. Commissioner Peterson read the following proclamation into the record:

Family Child Care Provider Week

WHEREAS, there are 7,420 children in Washington County in licensed family child care homes; and

WHEREAS, these children are Washington County's most valuable asset and resource; and

WHEREAS, no occupation is more important than caring for children; and

WHEREAS, many families in Washington County seek child care outside their own homes; and

WHEREAS, the licensed family child caregivers of Washington County are professional people devoted to achieving and maintaining the highest level of parenting skills; and

WHEREAS, the licensed family child caregivers are highly competent, dedicated, caring, concerned individuals;

NOW, THEREFORE, I, Myra Peterson, Chair of the Washington County Board of Commissioners do hereby proclaim the week of October 12 - 18, 1997 Family Child Care Provider Week in Washington County.

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DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT**Washington County Development Code, Chapter One and Chapter Two**

Mary McGlothlin, Director of Health, Environment and Land Management, described the three areas of Chapter Two, Part 3, Section 4 which will be reopened for discussion by the Board they are: Part 4.10 (A) for the purposes of determining the minimum required open space for open space design in all zoning districts; Part 4.10 (C) for the purpose of clarifying language related to allowing areas or structures within the open space area; and Part 4.10 (D) for the purpose of adding a definition of floodplain.

Ms. McGlothlin stated that proposed language was distributed to the Board for Part (C) and Part (D) and will leave open for policy discussion by the Board Part (A).

Commissioner Hegberg stated that the reason he asked for Part (A) to be included because the technical changes to Part (C) and Part (D), which under the previously typed up document the roads were included as part of the open space. He felt it was necessary to reopen the areas of discussion of Part (A). Commissioner Hegberg reviewed the past ordinance where lot sizes were used to determine density in the rural areas. Most rural areas were a five acre minimum which allowed for approximately eight homes per forty. Under the current ordinance this will affect the areas of Forest Lake Township, which has already applied for incorporation. New Scandia Township is ag area, May Township, Stillwater Township, West Lakeland, Denmark and then Grey Cloud Island and a little bit of Baytown which is currently being discussed for annexation. The old plan on clustering called for 40% open space. In his eight years as liaison to the Planning Advisory Commission, they only had two clusters appear before them. One was in Forest Lake Township in 1989 or 1990 and the second one just came to the Commission last week before the new plan takes effect because they wanted to cluster under the old ordinance.

Commissioner Hegberg displayed a map which shows that most of the area requiring 70% or more open space on the cluster plan is in the northern section of the County. He feels this area already has a substantial amount of open space that is required. There is the William O'Brien State Park, the Big Marine Park, Wilder Foundation, DNR owned properties, St. Croix Bluffs Park, Afton State Park, Carpenter Nature Center, and Rose Warner. There is a substantial amount of property in Square Lake. When the 70% is looked at he asked where is the fairness? The landowners in the northern section are already providing much of the open space. When these people do cluster the County is going to ask them to do more. Under the new ordinance they're dropping from one in five or five acre minimums to one in ten for A-2 zoning. When this is reviewed, those people with the least amount of homes are required to provide the most additional green space and they are allowed less homes. Single family estates are 50%. He thinks the proposed ordinance the way it's designed is discriminatory against those pieces of

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property. Why is West Lakeland at 50%, when their farmland is more valuable than the farmland in Scandia. A half acre lot in Lake Elmo or the other cities that have clustering, might be appropriate in their communities because they are adjacent to the communities moving out. In Scandia, where they have the old zoning is primarily five acre lots, the County is asking when they cluster they will be looking at half acre or three-quarter acre lots. He feels that won't fit very well with the topography of the ground.

Commissioner Hegberg showed a map of Forest Lake Township and indicated that the blue areas are wetlands. This relates to Scandia to some extent also. He stated that 30 to 40% of the entire township is wetlands. The other problem is lot coverage is not suppose to be over 35% of the lots and the lot is small to start with. He has in town three-quarters of an acre, he has four lots that he lives on. He would bet that he covers 35% or 25% of his four lots and he doesn't have a pool, a deck or tennis court. He just has a house and two driveways that come from two different directions and he probably comes close to hitting the 35% coverage. That is part of the requirement that this Board is going to ask for. He spoke to Scandia and they feel they have to have more latitude in the way that the plan is designed because of the topography of the properties they are dealing with going 70% plus roads, they will end up with half acre lots in a community that primarily has five and two and one half lots. That will not fit very well with their community.

Commissioner Hegberg feels that the fairness issue is very much of a concern. He does not think that these communities or the landowners are being given an opportunity. Some people feel they are going to develop rapidly. He stated that the City of Hugo, which is incorporated, has had the control of their own land use for years. He does not consider them a commercial or a rapidly growing community, they've held their community down and he believes Scandia and May will do the same. The City of Afton is probably one of the more rural sections of the County, but they have the right to call their own destiny. He thinks the County should allow the townships more flexibility in this plan so they can help determine where they want to be in the scheme of things. He does not believe Scandia is going to make development plans to expand rapidly.

Commissioner Engstrom asked Commissioner Hegberg if under the old plan which had only two plats brought in under clustering, were there incentives given at all? Commissioner Hegberg indicated there were not, but the eight lots per forty applied there and with the incentives and if maximum incentives were used they would only be up to nine. The County is down zoning most of the areas of Scandia from eight to four homes per forty.

Commissioner Hegberg moved to amend the percentages on Page 103, Chapter 2, Part 3, Section 4. Open Space Design, Part 4.10 (A) to 50% for items 1-5, A-1, A-2, A-4, RR and SFE. Commissioner Abrahamson seconded the motion.

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Commissioner Hauser stated that there is something this Board cannot do anything about and that is that 30 to 40% of Forest Lake Township is in wetlands. Another thing this Board cannot do anything about, and other bodies have tried to do something about this, and that is the two and a half acre zoning that has prevailed in West Lakeland since she's been involved which is probably about 1981. The northern part of the County was dealt a lot of water and poor lands that are associated with the kind of growth and habitat that grows in that area. This Board cannot make it fair. The Board is providing a choice for developers and landowners that prior to this time had not been allowed them. Under the old ordinance there were not incentives, there were not other kinds of opportunities that are proposed in the current ordinance. This Board worked together to try and make sure that this is possible. There are still towns who can make much more restrictive regulations not allowing cluster zoning in their towns if they do not think it's fair or appropriate.

Commissioner Hauser stated she is not convinced this is a fairness issue and that those individuals who come in and choose to do this particular style on their particular piece of land which is probably going to be dictated by that piece of land no matter how it is fashioned or how much land is going to be set aside or how many certain slopes they do not include or what ever, in some cases pieces of land are just going to be inappropriate for this kind of ordinance. She hoped that the towns and County and soil water conservation district and all those people who help to plan the land use would work to see what is the best way to subdivide should it come to that. Commissioner Hauser stated she was not interested in changing the percentage that is going to be set aside. She thinks this will prevent more problems in the northern part of the area where unwise things have been done through a lack of information and new information that is coming forward that changes the dimensions of those things that the Board seeks to put in ordinances. She thought the point that Commissioner Hegberg made on the 35% maximum lot coverage was interesting and feels that is a valid consideration. If the Board is setting aside whatever amounts of land in a proposed cluster that are acceding to the 35% of that lot that is allowed in clustering, it doesn't make a lot of sense in a lot of areas and perhaps should be eliminated from that or the percentage changed or it could be grounds for an application for a variance.

Commissioner Hegberg stated that if the clustering doesn't work what may result is Scandia doesn't want one in ten. He knows that some townships would like to see that and as soon as the County passes the ordinance and as they develop their comp plan they might say they don't want clustering. But if the townships choose the one in ten, he does not believe that is how this Board wants the County to develop either. He thinks the clustering is a real positive thing about this comprehensive plan and he agrees with that wholeheartedly because it will allow the County and townships to look at their properties as they lay and allow some adjustments. Plans that come in with a forty and just chopping it into four pieces is not what the townships want either. He thinks that the townships in their discussion will require larger lot sizes but that's where the conflict with the 70% comes in.

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Commissioner Hauser stated that the difference is they would not be allowed to take advantage of the bonus in that. That person who develops that land will see some economies of scale, that is there would be shorter roads, and other kinds of things and a system that would serve several homes. There will be other kinds of things that can be offered even if those lot sizes are made larger, and by making them larger there will be fewer houses that will be allowed.

Ms. McGlothlin clarified on the maximum lot coverage within the open space design is 35%, that is in fact a greater allowed space than in a regular design. Normally it is 25%, so there was some consideration given to the fact that lot sizes will be smaller and there may need to be more lot coverage in an open space design.

Commissioner Hauser asked about the rationale for the 35%, why do we have the restriction at all? Ms. McGlothlin stated if the Board were to eliminate the 35% and leave it open the base ordinance provision would prevail which would lower it to 25%. The choice here is if the Board wants to allow greater lot coverage is to increase that percent to 40% or 50%.

Commissioner Hauser asked if it could be mentioned that there will be no maximum coverage? Howard R. Turrentine, Assistant County Attorney, responded that the Board could do that, but the discussion would need to be continued until next week because there is an open meeting requirement that the County Board notice that which they will be discussing and taking action on in its agendas.

Commissioner Engstrom stated that if it is 35% and the lot sizes gets down to one acre lots you could have a one third acre house. He knows the coverage includes other things too, but the 35% seems reasonable. He stated that Commissioner Hauser mentioned there are two things this Board couldn't change, but the one thing the Board really can't change is the wetlands. That's something that's there, it's done it's over. The other thing this Board can't change, and he can understand Commissioner Hegberg's perspective, and his coming more from a rights of the landowner to develop, but he does not think it is fair to turn it around and say that because there are foundations that have purchased property and decide to preserve it as open space at Warner, Wilder, Carpenter and the County and State parks, that then turn around and say there is enough open space and there isn't a need for any more. That doesn't make sense to him. That is a landowner's right too, to purchase and protect the land which because this is a beautiful County there are a number of organizations, governmental and private, who have opted to do it and it's their choice.

Commissioner Hegberg stated that the 50% in his motion is a considerable amount of open space that's going to be required. His point was that there is a considerable amount of open space in those rural areas now and the Board is adding to that with the cluster zoning of 50%. He added a couple of other points.

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He stated that some people may feel that 35% is not enough, because what the rural areas are looking for is they don't want a house, pool and tennis court and all the trees to be cut around there and it doesn't give that a proper aesthetics also. By allowing the 50% it will allow the lots to be bigger and allow the trees to be planted and landscaping to go with the property. The ordinance states that open space only allows for 50% of the wetlands, so they can't take the wetlands and leave no high ground, they have to find 50% of the high ground in that open space so it's approximately 25%. It does add to that part of it.

Commissioner Engstrom stated his point is that there are lands that are undevelopable, not by this Board's action, but by God's action when the world was created. There are lands that are not going to be developed by private action. If Forest Lake Township were all flat prairie, would 70% be too much then?

Commissioner Hauser stated the towns can require larger lot sizes in clusters. This is a guideline that is set forth as something this Board would like to do. The only place that this is effective is in the towns and so if the towns themselves do not believe this is appropriate for the topography or whatever standards they use to develop their ordinances, they can choose to provide their own cluster ordinances that addresses those individual township preferences. To tell this Board that it's going to drive Forest Lake Township into incorporation — Forest Lake Township drove itself to incorporation several times before they ever heard of a cluster ordinance. She cannot see that the Board would or would not adopt this ordinance based on what Forest Lake Township is going to do. The Board can only adopt it on the basis of what this Board feels is appropriate to respond to the citizens who say they want to retain as much open space as possible in the County. If a particular township feels this is a perfect thing that this Board has devised they can adopt it right out of the County's ordinance book. If they feel that they need modifications to address any particular considerations that town has then they can do that.

Ms. McGlothlin asked for a clarification from the County Attorney. When the County Board adopts its percentages, the township could be more restrictive but not less restrictive. Mr. Turrentine indicated that is correct.

Commissioner Abrahamson called for the vote.

The motion to amend the percentages on Page 103, Chapter 2, Part 3, Section 4. Open Space Design, Part 4.10 (A) to 50% for items 1-5, A-1, A-2, A-4, RR and SFE failed on a 3-2 vote as follows: Yes, Commissioners Abrahamson and Hegberg; No, Commissioners Engstrom, Hauser and Peterson.

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Commissioner Engstrom moved to amend Page 104, Chapter 2, Part 3, Section 4, Part 4.10 (D) to read: "No more than 50 percent of the required open space may consist of unclassified waterbodies, ponds, areas within the 100 year floodplain, wetlands or slopes of greater than 25 percent." Commissioner Hauser seconded the motion.

Commissioner Peterson stated she is concerned that the Board is establishing some highwater marks through GIS, she wants to make sure that when they are looking at floodplains, they are indeed addressing those GIS highwater marks. She's not sure if this addresses that. When she looks at the definition for floodplain it says 100 year and she's not sure that if she looks at the GIS mapping of the highwater is that in sync with the floodplain definition. She wants to make sure the County is going to address the recorded highwater areas so it does not allow housing.

Ms. McGlothlin stated they have used the flood insurance studies and FEMA studies in establishing those official floodplain areas. She indicated Commissioner Peterson is correct in that the County is doing some GIS work and eventually they hope to have that incorporated into the findings of those bodies. She is not sure Commissioner Peterson's point is handled in these definitions.

Mr. Turrentine stated he was not sure if Commissioner Peterson's point is handled in there either. There is a 100 year flood elevation, then there's the FEMA definition of a floodplain and then there is the GIS maximum water elevation. There are basically three different base lines that could be used and they have been using for different purposes.

Commissioner Engstrom stated that the study being undertaken now would be included in this and something may need to be amended in the future. Konrad Koosmann, Soil and Water Conservation District, is in the audience. The aerial maps were done at the highwater mark which Commissioner Hegberg asked for.

Ms. McGlothlin asked if staff could take Commissioner Peterson's concern under consideration and bring that back and still have the definitions as they are now adopted.

Commissioner Hegberg moved to amend the motion to add the words "or highwater mark as documented by County records" following floodplain. Commissioner Engstrom seconded that motion and it was adopted unanimously.

The motion to amend Page 104, Chapter 2, Part 3, Section 4, Part 4.10 (D) to read: "No more than 50 percent of the required open space may consist of unclassified waterbodies, ponds, areas within the 100 year floodplain or highwater mark as documented by County records, wetlands or slopes of greater than 25 percent" was adopted unanimously.

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Commissioner Hegberg moved to amend Page 104, Chapter 2, Part 3, Section 4, Part 4.10 (C) as follows: "The following areas or structures may be located within the required Open Space area and shall be counted toward the overall open space percentage required: 1. Parking areas for the access to and use of the open space. 2. Privately held buildings or structures provided they are accessory to the use of the open space. Road rights of way may not be located within the required open space area, and shall not be counted towards the required minimum open space." Commissioner Engstrom seconded the motion and it was adopted unanimously.

Commissioner Hegberg moved to amend the percentages on Page 103, Chapter 2, Part 3, Section 4. Open Space Design, Part 4.10 (A) to 60% for items 1-5, A-1, A-2, A-4, RR and SFE. Commissioner Abrahamson seconded the motion.

Commissioner Hauser asked what would be the practical application of 60% for the SFE, single family estates? Commissioner Hegberg stated those areas have two and a half acre lots. If there will be clustering they would be allowed to get down to a half acre, they would have the same benefits. They might not get the full benefits of the clustering because of the bonuses, but in fact they would be treated the same as the other areas. They would still be allowed additional homes because he thinks it's 16 and forty.

Commissioner Engstrom spoke against the motion and to leave the percentages as is. When this plan was originally adopted the correction that was just made previously, the whole Board was in agreement it knew that was suppose to be there, there was a technical error a typing error, the Board was in agreement on that. The Board was also, although not in agreement, the majority of this Board, Commissioner Hauser, himself and the Chair, voted to support that chart with that amount of percentage as is.

The motion to amend the percentages on Page 103, Chapter 2, Part 3, Section 4. Open Space Design, Part 4.10 (A) to 60% for items 1-5, A-1, A-2, A-4, RR and SFE was adopted 3-2 with the vote as follows: Yes, Commissioners Abrahamson, Hegberg and Peterson; No, Commissioners Engstrom and Hauser.

Commissioner Hegberg moved to adopt **Resolution No. 97-141** as follows:

Resolution Adopting the Washington County Development Code
Chapter One, Administration
Chapter 2, Part 1, Zoning Map, Districts and Uses
Part 2, Density and Lot Requirements
Part 3, Performance Standards

WHEREAS, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to MINN. STAT. CHAPT. 394; and

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WHEREAS, MINN. STAT. § 473.851, *et seq.* requires the County's planning and zoning activities to be consistent with the Metropolitan Systems Statement Plan; and

WHEREAS, in order to implement this requirement counties are required to adopt a comprehensive plan; and

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

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

WHEREAS, on May 27, 1997, the Washington County Planning Advisory Commission referred official controls in the form of Chapters One and Two of the Washington County Development Code to the County Board with their recommendations as required by MINN. STAT. § 394.25; and

WHEREAS, on September 2, 1997, the Washington County Board of Commissioners conducted a public hearing to consider adopting Chapters One and Two of the Washington County Development Code as required by MINN. STAT. § 394.26 and MINN. STAT. § 375.51;

NOW, THEREFORE, BE IT RESOLVED, that for the purposes of implementing the Washington County 2015 Comprehensive Plan pursuant to MINN. STAT. § 394.25, the Board of Commissioners of Washington County ordains:

1. The Washington County Development Code, Chapter One and Chapter Two, parts 1, 2 and 3 attached hereto is hereby adopted in its entirety as Washington County Ordinance No. 127 and is declared to be effective from and after October 20, 1997, after its publication according to law.
2. From and after October 20, 1997, the Washington County Zoning Ordinance approved November 9, 1979, effective December 4, 1979, together with all amendments thereto is repealed, provided, however, that any subdivisions of land not involving minor subdivisions which have obtained unconditional preliminary plat approval from the Washington County Plat Commission prior to October 20, 1997 shall be governed by the performance standards contained in the Washington County Zoning Ordinance approved November 9, 1979, effective December 4, 1979, together with any amendments thereto. Provided further that if such subdivision has not been given final plat approval by the Washington County Board of Commissioners by December 22, 1997, then such preliminary plat approval shall be null and void and the subdivision shall be governed by the performance standards contained in the Washington County Development Code adopted as Ordinance No. 127.

BE IT FURTHER RESOLVED, THAT, Chapters One and Two of the Washington County Development Code adopted as Ordinance No. 127 shall be submitted to the Metropolitan Council within thirty (30) days of its final adoption as required by law.

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Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Commissioner Hegberg stated the County will have a problem as was discussed earlier, in the townships of Denmark and Forest Lake where there are existing businesses and they were under the opinion that it was zoned commercial and it is zoned ag and it's not into sewerred areas and they are existing at this point. He feels those issues will be coming back. He asked to look at the tape when the comp plan was passed to see if that was discussed at that time.

Washington County Development Code - Chapter Four

Commissioner Engstrom moved to adopt **Resolution No. 97-142** as follows:

Resolution Adopting Chapter Four of the
Washington County Development Code
Individual Sewage Treatment System Regulations

WHEREAS, MINN. STAT. §§ 115.55 and 115.56 and Minnesota Rule 7080 require counties to adopt an ordinance regulating the location, design, installation, use and maintenance of on-site sewage treatment systems, which regulations must be consistent with, but may be more restrictive than those regulations contained in Minnesota Rule 7080; and

WHEREAS, such regulations are official controls within the meaning of MINN. STAT. CHAPT. 394 and MINN. STAT. §,473.851, *et seq.*; and

WHEREAS, on July 22, 1997, the Washington County Planning Advisory Commission referred a draft of the Washington County Individual Sewage Treatment System Regulations to the County Board with their recommendations to be included in the Washington County Development Code as Chapter Four; and

WHEREAS, on September 23, 1997, the Washington County Board of Commissioners conducted a public hearing on the proposed draft, as required by MINN. STAT. § 394.26 and MINN. STAT. § 394.375.51; and

WHEREAS, the draft was approved by the Minnesota Pollution Control Agency on September 19, 1997 as required by MINN. STAT. § 115.55.

NOW, THEREFORE, BE IT RESOLVED, that for the purpose of regulating the location, design, installation, use and maintenance of on-site sewage treatment systems so as to prevent contamination of the surface and ground waters within the County, the Board of Commissioners of Washington County ordains:

1. The regulations contained in the Individual Sewage Treatment System Regulations, Chapter Four of the Washington County Development Code attached hereto is hereby adopted in its entirety as Washington County Ordinance No. 128 and is declared to be in full force and effect from and after October 20, 1997, after is publication according to law.

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2. This ordinance shall apply to all areas of the County, other than cities and towns that have adopted ordinances that comply with Minnesota Rule 7080 and are as strict as the regulations contained in the Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations.

3. From and after October 20, 1997, the Washington County Individual Sewage Treatment System Ordinance, Washington County Ordinance No. 103, approved by the Washington County Board of Commissioners on November 3, 1992, together with all amendments thereto, is hereby repealed.

BE IT FURTHER RESOLVED THAT, a copy of this Ordinance be submitted to the Commissioner of the Minnesota Pollution Control Agency within thirty (30) days of its final adoption in compliance with Minnesota Rules 7080.0305, subd.5.

Commissioner Hauser seconded the motion and it was adopted unanimously.

Subdivision Ordinance Final Draft - Set for Public Hearing

Commissioner Engstrom moved to approve the final draft Subdivision Ordinance for distribution to townships and the public and establish a public hearing date of December 2, 1997 at 4:30 p.m. Commissioner Hegberg seconded the motion and it was adopted unanimously.

COMMUNITY SERVICES DEPARTMENT

Commissioner Engstrom moved to authorize the submittal of a proposal for the McKnight Foundation Implementation Grant for welfare reform. Commissioner Hauser seconded the motion and it was adopted unanimously.

PUBLIC WORKS DEPARTMENT

Don Theisen, Deputy Public Works Director, presented an overview for a proposed corridor plan to study the T.H. 36 subarea between Stillwater (T.H. 5) and Pine Springs (I-694). This subarea includes the state, county and local road systems between T.H. 96 to the north and T.H. 5 to the south. This would be a cooperative effort between the County and the Minnesota Department of Transportation with Washington County as the lead agency. MN/Dot has budgeted \$75,000 for this study in FY 1998 and the current Public Works budget has \$50,000 allocated for this study in 1998.

Commissioner Peterson asked if Ramsey County will be included in any of these discussions? Mr. Theisen indicated they would be involved along with the Cities of North St. Paul, Maplewood and White Bear Lake.

October 14, 1997

Commissioner Abrahamson moved to authorize staff to proceed with development of an agreement with the Minnesota Department of Transportation for the T.H. 36 Subarea Study with Washington County as the lead agency. Commissioner Hauser seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

James Schug, County Administrator, advised the Board he had asked Matt Moore, Board of Water and Soil Resources, to attend today's Board meeting and present an update on what is happening with the possible inclusion of East Mississippi WMO with the South Washington Watershed District. He was advised that Mr. Moore was out of town and couldn't make arrangements to be here this morning, but he is scheduled to address the Board on October 28.

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson stated he will attend a meeting this evening at the West Lakeland Town Hall regarding the Lake Elmo Airport.

Commissioner Hegberg reported that he will be attending the PRIMA Conference and will return on Monday.

Commissioner Hauser referred to the hearing that took place this morning and stated she was very uncomfortable with a process that does not allow discussion. She believes this Board has a long history of being able to resolve things, not by rushing to a vote, but by fully exploring the differences on this Board as well as coming together on various issues. She feels that preempting the Chair's authority to run the meeting on several occasions by calling the questions, which is nondebatable, is not her idea of how or why this Board is here. She would appreciate if discussions were allowed to take place.

Commissioner Abrahamson stated that every Board member has the right to do exactly what he did. He felt that issue had been discussed at many workshops over the past two years. He is allowed to do that under Roberts Rules and he will do it again if he has to.

Commissioner Peterson reported there will be an AMC District X meeting this afternoon. She also announced that the Minnesota Alliance on Youth will meet at the St. Paul Civic Center on October 22.

October 14, 1997

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

Commissioner Abrahamson moved to adjourn, seconded by Commissioner Hauser and it was adopted unanimously. The Board meeting adjourned at 11:45 p.m.

BOARD WORKSHOP WITH THE COMMUNITY SOCIAL SERVICES ADVISORY COMMITTEE

The Board meeting was preceded by a workshop with the Community Social Services Advisory Committee. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Dan Papin, Rick Backman, and the following individuals from the Community Social Services Advisory Committee: Connie Adams, Sharon Cox, Frank Hall, Lynn LaVerdiere, Jeff Ous, Myrl Peterson, Marguerite Rheinberger, Jim Rosenwinkel, Mary Sue Simmons, Pat Singel and Lorrie Wood.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
OCTOBER 21, 1997

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Richard Arney, County Attorney; Virginia Erdahl, Deputy Administrator; Don Wisniewski, Public Works Director; Howard R. Turrentine, Assistant County Attorney; James Frank, County Sheriff; Russ Reetz, Court Services Director; Judy Honmyhr, Human Resources Director; Cindy Koosmann, County Recorder; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Engstrom moved, seconded by Commissioner Abrahamson to adopt the following Consent Calendar:

1. Adoption of **Resolution No. 97-143** as follows:

Gambling License Renewal for
Forest Lake Hockey Association

WHEREAS, on or about October 9, 1997, the Hockey Forest Lake Assoc. has made a permit application pursuant to the statutes of the State of Minnesota authorizing lawful gambling; and

WHEREAS, the premises involved are Vannellis, located at 7050 N. Scandia Trail, Forest Lake Township, Washington County.

THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners does hereby resolve to approve the granting of a premises permit for the above-described licensee at the above-described location subject to the terms and conditions of all the laws of the State of Minnesota, the County of Washington and Township of Forest Lake.

2. Approval of application for alternative care budget for Washington County for State Fiscal year 1998.
3. Approval of the Joint Powers Agreement between Washington County, Dakota County, and Ramsey County to implement the East Metro SAIL (Seniors Agenda for Independent Living) project.
4. Approval of household hazardous waste inter-county reciprocal use agreement amendment #3.

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5. Approval to increase the hourly salary rate for On-the-Job Trainees (OJT students) from \$5.50/hour to a salary range of \$5.50 to \$6.50/hour effective October 29, 1997.
6. Approval for the County Board Chair and County Administrator to execute the agreement with the Department of Natural Resources to provide concrete planks for the Square Lake Regional Park boat launch.
7. Adoption of **Resolution No. 97-144** as follows:

Access Permit to Jeffrey Hause for Secondary Access
to 3369 Oakgreen Avenue North (County Road 65)

WHEREAS, Jeffrey Hause has requested permission to reconstruct an abandoned field entrance for access to an outbuilding that is to be constructed on his property located at 3369 Oakgreen Avenue North (County Road 65) on an access controlled right of way; and

WHEREAS, an inspection of the site revealed no apparent traffic hazards that would be created by allowing this use; and

WHEREAS, any permit issued will be specifically restricted to a secondary use by this property only.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes the County Engineer to issue an access permit for secondary access to 3369 Oakgreen Avenue North (County Road 65).

The foregoing Consent Calendar was adopted unanimously.

RESOLUTION DENYING REZONING REQUEST PURSUANT TO OCTOBER 14, 1997 PUBLIC HEARING

Commissioner Engstrom indicated that this Board made a decision at last week's public hearing to deny the rezoning request and comprehensive plan amendment by Bill Pond and Don Lothenbach. He now understands that the applicants have withdrawn their request before it is formalized by resolution at today's meeting. He asked the County Attorney's office what can be done to change the Board's process so that the action taken at last week's Board meeting would have been it.

Richard Arney, County Attorney, indicated that his office has researched this matter and it is their opinion that the applicants' withdrawal is appropriate under the law and under the ordinance as they presently are. Mr. Arney stated that to avoid this kind of action in the future, the ordinance would have to be amended to start the time running from the time of application rather than the time of decision.

October 21, 1997

Commissioner Hauser asked that in the future should repeated requests come in following a withdraw of an unsuccessful application, if there is no new information that is provided during the hearing and following the hearing that affects it in a rezoning application, that the resolution be acted upon on that same day and not wait the week.

Commissioner Abrahamson believes the current process is a good one. He feels the Board should have a chance to digest information that was provided to them and read the letters that may come in. He is in favor of waiting the additional week to take final action.

Commissioner Hauser stated she was not referring to first time applications. She is referring to an application that has been denied and then reapplied for and no new information is put forward.

Commissioner Peterson stated if the Board is concerned about this process it should ask staff to review the process to look at what options are available. For now the request has been withdrawn and apparently the Attorney's Office has no problem with that.

SHERIFF'S OFFICE

Commissioner Engstrom moved to authorize the County Sheriff to hire a Special Project Deputy to fill in for two years while a current deputy is assigned to the Metro Gang Strike Force. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND USE MANAGEMENT

Karen Zeleznak, HELM Administration Division Manger, presented an overview of the 1998-1999 Community Health Services Plan Update.

Commissioner Abrahamson moved to submit the 1998-1999 Community Health Services Plan Update to the Minnesota Department of Health. Commissioner Hegberg seconded the motion and it was adopted unanimously.

MINNESOTA PLANNING DEPARTMENT

Barbara Ronningen, Minnesota Planning Office, presented information on population and demographic trends in Washington County which provides valuable data for County consideration in planning services, budgets and facilities. Ms. Ronningen distributed copies of a booklet which gives demographic statistics statewide.

October 21, 1997

PUBLIC WORKS DEPARTMENT**Resolution Amending the Parks Ordinance No. 93**

Don Wisniewski, Public Works Director, stated that the Board packet contained comments from the public hearing addressing amendments to Park Ordinance No. 93 which was held on October 7, 1997 and written comments received after the public hearing. He addressed a question raised by the Board regarding use of the words "metal traction devices" as opposed to studs. He indicated that the Department of Natural Resources advised him that for the conservation officers and law enforcement people that means studs. The general definition of "metal traction devices" is intended to take care of present situations and anticipated changes that might occur in the future whether they be a new generation of studs or things like that. Staff recommends leaving that terminology in the proposed ordinance.

Commissioner Peterson asked that when new snowmobile maps are printed, that they be made available to the snowmobile clubs in Washington County.

Commissioner Engstrom moved to adopt **Resolution No. 97-145** as follows:

Resolution Adopting an Ordinance Prohibiting the
Use of Metal Traction Devices on County Paved Trails

WHEREAS, MINN. STAT. §§ 398.31 - 398.36 empowers the County to create, maintain and regulate the use of County parks; and

WHEREAS, St. Croix Bluffs Regional Park has been added to the County Park System; and

WHEREAS, MINN. STAT. § 84.87, SUBD. 3 allows the County to regulate the operation of snowmobiles on the public lands and water under its jurisdiction; and

WHEREAS, Washington County entered into an Agreement with the Washington County Regional Railroad Authority whereby the Regional Railroad Authority conveyed a property interest to Washington County in order for the County to build paved trails; and

WHEREAS, the Washington County Board of Commissioners has determined that proscription of the use of paved trails by snowmobiles with metal traction devices is in the best interests of the residents of Washington County; and

WHEREAS, the Washington County Board of Commissioners has conducted a public hearing on prohibiting the use of metal traction devices on paved trails and for inclusion of St. Croix Bluff Regional Park in the vehicle permit system.

October 21, 1997

NOW, THEREFORE, BE IT RESOLVED that based on the recommendations of the Public Works Department and the testimony received at the public hearing and for the reasons set forth therein, the Washington County Parks Ordinance No. 93 is amended by adding subsection g. to Section 9, Chapter VI of said Ordinance, which shall read as follows:

Section 9.

It shall be unlawful for any person to:

- g. operate a snowmobile with metal traction devices on any paved Washington County or Washington County Regional Rail Authority trail, except it shall be permissible for law enforcement officers to use such devices in the performances of their duties.

and by changing the language of Chapter II, section 4.a. to read as follows:

Section 4. Vehicle Park Permits

- a. It shall be unlawful for any person to bring a motor vehicle into the following Parks posted by the Washington County Board: Cottage Grove Ravine Regional Park, Lake Elmo Park Reserve, Pine Point Park, Square Lake Park or St. Croix Bluffs Regional Park without appropriately displaying an approved annual or daily permit attached with its own adhesive, unless exempted by special permit.

BE IT FURTHER RESOLVED, that the penalties set forth in the Washington County Parks Ordinance No. 93 shall apply to violations of this Ordinance.

BE IT FURTHER RESOLVED that this Ordinance shall be in full force and effect from and after its passage and publication according to law.

ORDINANCE NO. 129

AN ORDINANCE OF THE COUNTY OF WASHINGTON AMENDING ORDINANCE NO. 93, THE WASHINGTON COUNTY PARK ORDINANCE

The Board of Commissioners of Washington County does hereby ordain:

Section I: The Washington County Park Ordinance, Ordinance No. 93, is hereby amended by adding subsection g. to section 9, Chapter VI as follows:

It shall be unlawful for any person to:

- g. operate a snowmobile with metal traction devices on any paved Washington County or Washington County Regional Rail Authority trail, except it shall be permissible for law enforcement officers to use such devices in the performances of their duties.

October 21, 1997

Section II: Chapter II, section 4.a. of the Washington County Park Ordinance, Ordinance No. 93, is hereby amended to read:

Section 4. Vehicle Park Permits.

- a. It shall be unlawful for any person to bring a motor vehicle into the following Parks posted by the Washington County Board: Cottage Grove Ravine Regional Park, Lake Elmo Park Reserve, Pine Point Park, Square Lake Park or St. Croix Bluffs Regional Park without appropriately displaying an approved annual or daily permit attached with its own adhesive, unless exempted by special permit.

Section III: This ordinance shall be in full force and effect from and after its passage and publication according to law..

Passed by the Board of Commissioners of Washington County, Minnesota this 21st day of October, 1997.

Commissioner Hauser seconded the motion and it was adopted unanimously.

Advertise for Bids for Forest Lake License Center

Don Wisniewski, Public Works Director, informed the Board that final plans and specifications are complete for the remodeling of the Forest Lake License Center. Remodeling of this facility will require that the License Center be temporarily relocated during construction. A temporary site has been found in the Northland Mall and an agreement is being negotiated. The temporary site will be used from late November, 1997 until April 1, 1998. The County Board had previously authorized the \$250,000 for this project. An estimated \$40,000 will be provided by the Auditor-Treasurer's Office for related project costs.

Commissioner Hegberg moved to advertise for bids for remodeling of the Forest Lake License Center. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

The Board discussed a memo concerning the strengthening of the responsibilities of the Solid Waste Management Coordinating Board (SWMCB). Commissioner Engstrom, who is a member of the SWMCB along with Commissioner Hegberg, stated that item 3, funding, would be the most significant change and it is one that he supports. He stated that SCORE funding would go directly to the SWMCB and it would then be issued back to the Counties through the Board based on how a county meets its criteria for waste management services. He supports the concept of more responsibility and accountability to the metro region. It was Board consensus to support the proposed scope of responsibilities outlined in the memo from the Solid Waste Management Coordinating Board dated October 15, 1997.

October 21, 1997

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Hegberg updated the Board on the PRIMA Conference he attended last week.

Commissioner Hauser reported on the Twin Cities Commuter Rail Advisory Committee meeting she attended.

Commissioner Peterson reported on a retreat she attended last week with the MELSA organization. She also reported that there will be conference next May 19 on the cost of sprawl and alternative forms of growth. Lastly, she announced that on November 6, the Anoka Metro Regional Treatment Center will again conduct its annual onsite governing board meeting.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

EXECUTIVE SESSION

Commissioner Engstrom moved to go into Executive (Closed) Session to discuss a petition by the Andersen Corporation to the Tax Court. Commissioner Hegberg seconded the motion and it was adopted unanimously; the time being 10:55 a.m. Present for the Executive Session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Richard Arney, Howard R. Turrentine, Scott Hovet, Julie Roisen, Patricia A. Raddatz, Jim Lammers, Attorney for the City of Bayport; and Ken Hartung, City Administrator for Bayport. The Executive Session concluded at 11:40 a.m.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Engstrom moved to adjourn, seconded by Commissioner Abrahamson and it was adopted unanimously. The Board meeting adjourned at 11:45 a.m.

October 21, 1997

BOARD WORKSHOP WITH THE PUBLIC WORKS DEPARTMENT

The Board met in workshop session with the Public Works Department for an update on the Grey Cloud Island Regional Park Acquisition Program. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Don Wisniewski, Jack Perkovich, Don Theisen, Jim Luger, Sandy Cullen and Doug K. Johnson.

REGIONAL RAIL AUTHORITY WORKSHOP WITH THE PUBLIC WORKS DEPARTMENT

The Regional Rail Authority met in workshop session with the Public Works Department to discuss regional rail authority issues including status of the MN/Dot Commuter Rail Study, Joint Powers Board Initiatives and proposed 1998 budget and staffing. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Don Wisniewski, Don Theisen and Sandy Cullen.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
OCTOBER 28, 1997

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; George Kuprian, Assistant County Attorney; Judy Honmyhr, Human Resources Director; Bob Crawford, Workforce Center Division Manager; Cindy Koosmann, County Recorder; Richard Stafford, Auditor-Treasurer; Mary McGlothlin, Director of Health, Environment and Land Management; John Devine, Controller; Wes Butler, Deputy Director, Washington County Housing and Redevelopment Authority; Dan Papin, Community Services Director; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Hegberg moved, seconded by Commissioner Engstrom to adopt the following Consent Calendar:

1. Approval of the October 7, 1997 Board meeting minutes.
2. Approval of abatement applications for homestead classification, value changes and waste management fees as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Amount</u>
R 31.029.21.32.0082	Snyder, George	\$ 36.00
R 08.032.21.24.0032	Lord, Thomas & Terre	1,014.00
R 27.031.21.42.0007	Watkins, Philip & Mary	1,052.00
R 13.029.21.32.0057	Spado, Joseph & Barbara	692.00
M 88.088.88.00.0301	Flategraff, Nicole	590.00
M 88.088.88.00.0307	Schrammen, Janis	50.00
M 88.088.88.00.0408	Selix, Donnette	54.00
M 88.088.88.00.0782	Windish, Denise & Meyers, Mart	186.00
R 04.029.20.21.0077	Hoyt, Jeff	734.00
R 04.028.21.44.0115	Banez, Gerard & Maieron	536.00
R 17.028.21.33.0049	Gilbertson, Leslie & Barbara	1,286.00
R 04.032.21.23.0012	Welton, Kenneth	486.00
R 03.028.21.14.0004	Pfaff, John B.	11,377.79

3. Approval of Minnesota Youthworks/Americorps State and Federal Grants in the amount of \$10,964 and \$65,795 respectively to be operated by the Workforce Center from September 1, 1997 through August 31, 1998.
4. Approval of policy guidelines for the implementation of Welfare-to-Work legislation.

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5. Approval for an early hire of .5 FTE Public Health Nurse.
6. Approval to renew contract with Frank Madden & Associates for labor relations consultant services through September 30, 1998.
7. Approval of banding and grading of new/revised job descriptions in the Department of Health, Environment and Land Management and approval of new job descriptions as follows: Public Health Nurse I, C41-2; Nurse Practitioner, C44-3; Environmental Health Specialist Coordinator, C44-1; Agricultural Inspector, B26-2; Senior Program Manager, D62-1; WIC Program Clerk, B21-2; Medical Administrative Assistant, B25-2; Community Nutrition Specialist (formerly titled Nutritionist), C42-2; and Community Health Specialist (formerly titled Health Educator), C42-1.
8. Approval to advertise for bids for the leasing of agricultural lands located in Big Marine Park Reserve, Cottage Grove Ravine Regional Park, Lake Elmo Park Reserve, Pine Point Park and St. Croix Bluffs Regional Park.
9. Approval of the plat of Cherryknoll, West Lakeland Township.

The foregoing Consent Calendar was adopted unanimously.

PUBLIC HEARING - WASHINGTON COUNTY HOUSING AND REDEVELOPMENT AUTHORITY

Issuance of General Obligation Bonds for HRA Landfall Terrace Project

The Board Chair presented an overview of today's public hearing to consider a request by the Washington County Housing and Redevelopment Authority for the County to pledge its general obligation as additional security for bonds payable from income or revenues of the Landfall Project.

Stephen J. Yanisch, Managing Director, Dain Bosworth, presented a brief description of the proposed financing of the Landfall Terrace Project, the objectives, financial team, proposed timetable, source and use of funds, bond structure, sources of debt repayment, and credit and reserves.

Mark Ruff, Financial Advisor, Ehlers and Associates, Inc., presented his review at the request of Washington County. This review addressed the proposed structure of the bonds, the assumptions underlying the net revenues available for debt service, and the policy issues for the County Board to consider in the operation of Landfall Terrace. His report, dated October 23, 1997, was placed in the record.

October 28, 1997

Commissioner Hegberg asked Mr. Ruff about item 3 on page 3, other contract issues for the County, HRA and Landfall HRA, listing a number of measures of performances that can be addressed in the contract among all parties. He asked if the County Board would have oversight on HRA's annual budget on this particular project?

James Schug, County Administrator, stated that staff is seeking direction from the Board today as to how much of a side agreement the County should have with the HRA to cover the points listed in Mr. Ruff's report on page 3. A couple of items staff has discussed that the Board may wish to include is authority for the County to review and approve the annual budget for the project and to make a change in the management company if there was evidence that it wasn't being managed as agreed. It was his opinion that any contract should be completed and ready for execution before this is approved by the County Board so that there are no last minute misunderstandings of what has or has not been agreed to.

Commissioner Hauser stated she is reluctant to get into either the management of the project or the budget of the HRA.

Commissioner Abrahamson agreed with Commissioner Hauser. He feels the farther he can get away from the HRA management the better. The only reason he is considering this proposal is because of the people living in Landfall and the situation they are in.

Commissioner Hegberg stated he agreed the overall management of the HRA should be left to them, but he feels because of the other difficulties they are dealing with the Board has to look at this individual project and say this is what the County is requiring of this project and if it doesn't meet these guidelines the Board has certain rights to deal with it.

Mr. Ruff stated this language was placed in here so the Board would have the right, if there is a call upon that debt service reserve or County tax levies, to make some changes if the Board chooses.

Commissioner Hauser stated, aside from the financing package, everything revolves around the ability to provide as full a rental of the park as possible in order to generate the revenues to pay off the bonds. Is HRA assuming that all empty pads will be filled with mobile homes?

Wes Butler, Deputy Director, Washington County Housing and Redevelopment Authority, assumed that the majority of pads that are vacant today will be filled with double-wide manufactured housing. There are a few units that are in little corners of the park that are really designed for smaller units that no longer are built. Those types of spaces would likely be filled by closures at other parks in the vicinity and the people wanting to relocate to Landfall to a site that would accommodate their size of home.

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Commissioner Hauser asked if there were options to do something besides housing on those spots to generate revenue?

Mr. Butler indicated that the City requires that it be entirely a manufactured housing park through its ordinance. He stated there are other things that can be done there, but the City would have to approve that and go through its planning process. It is possible to put a commercial convenience store or something like that in one of those areas.

Commissioner Abrahamson referred to the County Attorney's letter where he notes that nothing in MN Statue 469.041 allows the County to take over any facet of the HRA's management, is that correct?

George Kuprian, Assistant County Attorney, stated that was correct. Whatever agreement is made for management is contractual and would still be up to the HRA to manage. If they do not manage the way the County Board feels is right, then the County would have to bring a contract action.

Commissioner Hegberg asked does the current bond issue authorize the HRA to use its other operating funds to make up any deficiencies?

Mr. Ruff stated it was his understanding that part of the special benefits tax levy is pledged to the proposed bond issue.

Richard Stafford, County Auditor-Treasurer, wanted to clarify an item on payment in lieu of taxes. He stated that Landfall is primarily vacant land. There are a few buildings there. The payment in lieu of taxes would be on just the land. The units sitting on the pads and paying rent are manufactured homes and are referred to as personal property. That tax is levied against the individual and not against the property. He wanted to verify the fact that when payment in lieu of taxes is talked about that only the land is being discussed.

Mr. Butler stated that the Washington County HRA, because they own the property, does pay a payment in lieu of taxes which are 5% of the shelter rents on each of the units. The City, because of the property they own, he believes it's the City Hall and where the storm shelter is, they do not pay property tax on those facilities. The commercial zones along I-94, which is the Saturn development and the Harley-Davidson development, are both in tax increment districts which are being repaid over a ten-year period.

The Board Chair asked for further comments from the audience; none were heard. The public hearing was closed at 9:45 a.m.

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Commissioner Engstrom moved to approve the County General Obligation backing for Washington County Housing and Redevelopment Authority Governmental Housing revenue refunding bonds for the Landfall Terrace Project in an aggregate principal amount not to exceed \$7,500,000. Commissioner Hauser seconded the motion.

The Board discussed the motion.

The Commissioners discussed contract issues, as outlined in the letter from Mark Ruff, Ehlers and Associates, Inc., page 3, item 3, they would like to be included in the contract with the Washington County HRA which will be brought back at next week's Board meeting.

Mr. Schug informed the Board that when staff met with representatives of the HRA and the County's financial advisors there were two items discussed. One item was the review and approval of the annual budget to see if the revenues were as they had been projected in the initial proposal, were the expenditures in line, and to receive quarterly reports on how the annual budget was doing. The second item discussed was whether or not the County reserves the right to require a change in the management company if there were problems in the performance of the project. There was also discussion on whether the County should hold a mortgage.

Commissioner Hegberg went through the items under No. 3 in Mr. Ruff's letter as follows:

- "Does the County want approval of the annual budget or amendments to the budget?" He understands that this would apply only to this project and not the overall HRA budget. He would like to include that part in the contract.

- "Does the County want the ability to replace the management entity if net revenues drop below a specified debt service coverage?" He feels that if HRA does not meet the budget then the County would know there are problems and the County would deal with the budget and HRA would deal with the management.

- "What financial obligation does the HRA have in using its special benefits tax or other resources to cover shortfalls prior to the County drawing upon its funds for debt service." He understands that they are trying to deal with the funds being available to take care of other problems, but he feels that the HRA should be the first source, the first responsibility. He's not sure how that could be done.

Commissioner Abrahamson asked for a response from the County Attorney.

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Mr. Schug stated that the third bullet Commissioner Hegberg referred to would need to be clarified. As Mr. Kuprian stated earlier, that would need to be in the contract if the County were to have any say in that matter.

Commissioner Hegberg stated as long as the HRA meets the reserve requirements the County will not ask them to pony-up. In the event that they do not meet the reserve requirements of the document they would pledge a certain dollar amount of those to come into this project. He's just grabbing a figure of \$100,000 but he's not sure if that's possible.

Richard Arney, County Attorney, stated the problem is the enforceability of that kind of an agreement, as was pointed out in his letter to the Board.

Commissioner Peterson asked if the HRA were unable to meet its reserves, could the County at the time it renews the levy take that growth faction and put that toward it?

Mr. Kuprian stated he believes the scenario the Chair is painting is if there were a shortfall the bond holder would look to the County's general obligation. The County would then proceed against the HRA to make up that shortfall through the contract that is signed. The County couldn't go after the special levy directly, that levy would have to go to the HRA and the County would have to bring an action to recover some of those monies.

Mr. Butler suggested that the HRA could supply language to the contract that would state that the HRA would use all efforts to use any non-legally obligated funds that the agency may have to protect the Washington County G.O. backing of this bond issue.

Mr. Arney stated assuming there are some non-obligated funds that would be a good provision. However, in the future the County does not know whether or not that will be the case. It may well be that there are no funds not otherwise legally obligated.

Commissioner Hegberg is looking at it as a positive statement because if everything goes as planned, the County will be out of this situation in a period of time. But he's looking out, this is a 30-year obligation and what if five years from now the HRA wants to start pledging their growth toward different projects and the County wants to say no, it would have the ability to say no.

Commissioner Hauser stated that the HRA levy is certified every year. If a statement is written into the contract that this could be brought up at the time of levy, should it be necessary, the Board has that authority as it is.

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Mr. Kuprian stated that's an easily accessible amount of money, the contract provision will have to say that the HRA will cover a certain portion of any general obligation that the County has to put forth in this and then the County finds money to go after. That would probably be the \$200,000 levy each year.

Commissioner Hauser stated she is not talking about the special levy, she is talking about the general HRA levy.

Mr. Stafford informed the Board that he would like to look into that because he believes that levy is provided by statute. He's not sure the County would have any more control over the HRA's levy than over the City of Woodbury or the City of Mahtomedi. The HRA certifies its levy to the County, if it's legal it's up to the County to collect and distribute it.

Mr. Kuprian stated that is correct. It is just money that is out there that can be haggled over, but the County does not have rights to it.

Commissioner Hauser clarified that the Chair was talking about a general levy rather than the special levy.

Mr. Kuprian indicated that in either event, that money goes to the HRA and it would only be through the contract that the County could go after it.

Mr. Stafford gave an example that the statute authorizes the County to levy up to \$1.25 mils for HRA use. If HRA had come in and asked for \$1.28 the County could say no because the law only allows the County to go to \$1.25 mils. If they came in and only asked for \$1.25 or something less the County doesn't have a legal right to refuse them. When it comes to collecting certified taxes, the County is merely the tax collector. He does not see it as a negotiating tool.

Mr. Kuprian stated that the County Treasurer is correct, the County is just collecting that money for the HRA in an administrative fashion. He thought the Commissioner was referring to that as an offset.

Commissioner Peterson was looking at the growth factor in the County. Would there be some way to attach a portion of that to the repayment?

Mr. Kuprian stated he did not believe so.

Commissioner Peterson asked if the non-obligated funds, with that wording in the contract, would that allow the County to tap into that or go after HRA for those dollars?

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Mr. Kuprian stated it would allow the County to go after that. If it isn't in the contract then the County would have no recourse, but if the language is in the contract the County would at least have recourse.

Commissioner Peterson stated she would like that in the contract.

Mr. Schug asked for clarification that HRA would not be able to obligate further funds without some conversation with the County because with simply having unobligated funds, there may be other projects that will come in the future to which they may be obligating more of their revenues.

Commissioner Peterson asked the County Attorney if the County is getting into that gray area where it is taking over responsibility?

Mr. Kuprian indicated they were. Anytime the Board is going to deal with the HRA's budget whether it has an impact directly or indirectly it could adversely affect the HRA down the line in other projects.

Commissioner Engstrom stated that the County's G.O. authority is currently out there for a number of other HRA projects which that same levy goes to pay off debt on those projects.

Commissioner Hauser believes the Board ought to consider this particular question on its merits, make reasonable assurances through contract that those obligations of the HRA will be met in order to not further encumber the County and its revenue. She feels the Board has to go straight forward into this. Reasonable assurances should be made, look at the budget, and make sure that the maximization of rental potential is being done. She does not believe the County Board should get into the running of it and if indeed the Board does do that, she thinks the Board exceeds its authority and gets into an area where there may be worse repercussions having to assume other obligations, as Commissioner Engstrom pointed out, on the other obligations that this Board has to the HRA today.

Commissioner Hauser suggested that the contract state that the Board will look at the annual budget in order to ascertain that each year it is going to meet its obligations. Another thing that should be done is to insist that there will be a forecasting of what the operating expenses will be.

Commissioner Hegberg stated he is looking for a dollar amount. If the HRA meets all these obligations, fine, but if they don't the County has \$100,000 of their levy authority in the future. He indicated that is just a suggested figure.

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Mr. Kuprian stated that the problem with a contract is that there are certain conditions and there are certain rights. If the County exercises those rights it may be hurting the HRA, but if it doesn't the taxpayers may be hurt. That is the problem with a contract.

Commissioner Hegberg suggested dropping this item for a bit and move onto the next bullet:

- "Which entity should be responsible for annual projections of net revenue?" He felt the HRA should.

- "How should surplus funds, if any, be disbursed to the three entities or any reserve funds?" He asked Mr. Ruff to expand on that a little bit.

Mr. Ruff stated this is a situation if things go well. Discussion was held earlier regarding debt service reserve and some operating and repair and replacement reserves being set up. But the question is what if there are excess dollars above and beyond those, how are those split and they didn't have any preconceptions, it's really a policy issue for the County Board, HRA and the Landfall HRA to address. That was the basis of the question.

Commissioner Hauser doesn't know if surplus funds are a problem. If the obligations are met under the extension of the County's credit to this thing, she believes the Board will be happy. Any surplus would be applied wherever it's needed.

Commissioner Peterson believes the issue is that as this project ages, there will be a need for additional funds to care for itself. The infrastructure was recently redone, but thirty years is a long time. She would like to see a fund balance that would go up because there will be streets, sewer and water and infrastructure type things that will have to be improved within 30 years.

Mr. Butler addressed the issue of capital improvements. He stated that currently through the flow of funds, the surplus that comes out will go into funding up these reserve accounts, one of which will be to accommodate those repairs. The amount that operating reserve will be kept at hasn't been decided yet, but it will likely be a substantial amount for an annual repair and replacement of the park and making improvements. The surpluses would be in addition to that amount. If the property generates more surplus than is needed to fill that and other reserves, then the surplus would be left on the table for discussion whether it is split between the three entities or whatever the County would desire.

Commissioner Hegberg stated he would like to see those reserves at a high amount. If that could be put in the contract he feels that is important and that would deal with his concerns. He would then let Administration and the HRA deal with the dollar amount that the Board would like to see in there for

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capital improvements and those funds could be used. If one year is a good year and the next year is a bad year it can be transferred.

Commissioner Hegberg continued with the contract issues:

- "Who is responsible for approving any sale or refinancing of the project?" He stated he doesn't care as long as the County gets paid off.

Commissioner Peterson asked is the issue to provide low cost housing or is the issue to repay it?

Commissioner Hegberg believes that is what the HRA has to deal with.

Commissioner Hauser asked how would the County be involved in any sale or refinancing of the project, wouldn't the County be a party to it by virtue of the County's guarantee?

Mr. Kuprian said if it is put in the contract. The County has a say because the HRA has an obligation to the County, the County is a guarantor.

Commissioner Hegberg continued with the contract issues:

- "Does the County want a mortgage on the facility?" He believes they do because it puts it on record that the County, in consideration of its guarantee, the County holds a mortgage on it just like when the HSI decided to do something with their building later on, which was fifteen, twenty years ago, because the County's mortgage was of record they had to come to the County when they decided to do something a little bit different or add to that building. That gives the County the right to say yes or no. Does the Attorney agree or disagree with that?

Mr. Kuprian stated he didn't know how that would affect the bonding if the County held a mortgage on that. The County would probably need an opinion from bond counsel.

Commissioner Abrahamson asked if a mortgage would only affect the pads and the land and not the manufactured homes?

Mr. Kuprian stated that is correct.

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Mr. Yanisch stated the major security for the County, he believes, is really the flow of revenues rather than a security on real estate. That factor would add a complicating layer as they try to move toward closure of the transaction. He would defer to counsel, but he suggested that it doesn't appreciably add to the security the County would otherwise have.

Commissioner Hauser asked is a mortgage something that the County wants? She does not think a mortgage is what the County wants, she doesn't want to own this thing should it fail.

Commissioner Hegberg then went back to the question who is responsible for the sale or refinancing? His concern is that they would sell off a piece of it.

Commissioner Peterson asked if he was suggesting that one of those pads that would not be appropriate for a mobile home could be sold for the development of a private enterprise and he would like to make sure that those funds would come back to the County? She stated that would be governed under the city.

Mr. Yanisch offered a comment that because of the tax exempt character of the bonds they are proposing to issue, it's going to be almost inevitable that if there is any sale or assignment of any significant portion of the project, the proceeds from that are going to be required to be used to defease the bonds.

Commissioner Hegberg would like the following included in a contract with the HRA: 1) Annual review of the project budget and not the HRA budget.

Commissioner Hauser asked what would that include -- actual approval, review, what does the Board want, what can the Board have?

Mr. Kuprian stated that the Board can have approval or signing off on it, whatever the HRA would agree to.

Commissioner Hegberg feels the budget is the key. If the revenues and expenses are not adequate, they would show up in the budget. Then the Board can ask why are the expenses too small or too large.

Mr. Kuprian stated the problem is the County may become involved in managing this project and it could have all kinds of expenses that the County would become involved in managing. If a pad breaks down, if there is a sewer backup, all kinds of things. The HRA may not know the expenses now, but if they come up later on and the County has joint approval of the budget then the County could become involved in that.

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Commissioner Peterson asked the County Attorney to sit down with HRA and work out a contract. The County Attorney has a fairly good idea what the Board wants to be included. She would like to make sure that the County has the most responsible method of putting this on paper without the County assuming any additional liability.

Mr. Arney stated they would be happy to attempt to comply with the Boards' direction with regard to that. He pointed out and wanted to make clear, as he has on two past occasions when this Board considered underwriting HRA bonds, that this will be the third time that Washington County has done this. Prior to that it was never considered because of the increase of liability of general taxpayers for specific projects. It is, of course, a business decision and it is the Board's responsibility and it has authority to do this if it wishes. However, whenever the Board gets into a situation of underwriting or cosigning a note, the Board is going to take on additional responsibility which may, if it goes wrong, not only affect this \$7 million but would also affect the credit rating of the County as a whole and other horrible consequences. He understands the Board's desire to provide as much suitable low-cost housing as possible. That is the decision the Board is making today when it addresses this question.

Commissioner Hauser stated that perhaps if it will help the Board ascertain each year whether the obligations can be met through revenues of the project, one of the things the Board could do is make the annual budget of that particular project subject to the Board's approval. She would suggest that it be included in the contract.

Mr. Yanisch stated as the Board has debated this question between imposing control and accepting responsibility he offered the following idea that the Board might impose oversight by exception. There is imbedded in the document a reserve. They are going to fund that reserve, a debt service reserve initially at six months equivalent of debt service, they hope to build that up. That's the cushion they use before coming back to the taxpayers to support the project. It seemed to him that as long as that's in place there is some protection. In the event that the debt service reserve is invaded and it's not replenished in six months, then the County could step in and ask for approval of the budget. Then the County could come in and ask for consent and approval of the management contract and then the County could say to the HRA that it wants the HRA to get an outside third party to review the operations of Landfall and make recommendations and the HRA will follow those recommendations. This way the County isn't looking at it every year it only has to look at it when there is a problem. If there's a problem then the County has control over the budget, control over management, and has the right to impose a third party to come in and give advice which the HRA will accept.

Commissioner Hauser said that would only follow if the Board got timely information to demonstrate that, as a matter of fact, those conditions were being met prior to the crisis. But it does seem reasonable, Madam Chair, to do it in that fashion.

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Commissioner Peterson asked the County Attorney for his opinion on this option. Do those suggestions seem appropriate?

Mr. Arney stated that certainly would be a workable concept that could accomplish many of the Board's needs and desires.

The Board chair asked for further discussion from the Board members. No further comments were heard.

The motion to approve the County General Obligation backing for Washington County Housing and Redevelopment Authority Governmental Housing revenue refunding bonds for the Landfall Terrace Project in an aggregate principal amount not to exceed \$7,500,000 was adopted unanimously.

Commissioner Abrahamson thanked the County Attorney for his three page letter. He felt it answered some of his concerns. He was glad that the Board Chair asked for this information. He also suggested that after the details of the contract are worked out, that the Board and the HRA hold a televised workshop to discuss what will be going on in the future.

Mr. Butler stated that the HRA would be happy to entertain a televised workshop.

Mr. Stafford asked for clarification on the motion that the Board approved the General Obligation bonding subject to the agreements that staff is going to try and hammer out? Whether or not the Board proceeds with this bonding hinges on the ability to find an agreement that everybody can live with, is that correct?

The Board Chair indicated that was correct. That resolution will be brought forward at next week's Board meeting.

Mr. Schug thanked the staff of the HRA and their representatives, financial advisors and bond counsel and also Mr. Ruff of Ehlers and Associates, Inc., they really responded on a very short timeframe.

GENERAL ADMINISTRATION

Update on Proposed Merger of the East Mississippi WMO and South Washington Watershed District

Matt Moore, Board of Water and Soil Resources (BWSR) presented an update on what is happening with the proposed merger of the East Mississippi WMO and the South Washington Watershed District. He indicated that a petition was submitted to BWSR for the establishment of a watershed district for the East

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Mississippi WMO. They notified Ramsey and Washington Counties and asked for their positions on that stand alone watershed district. Both Counties responded that they preferred to see a merger or consolidation with an existing governance body, namely the South Washington Watershed District. At the time, which was probably last January, the South Washington Watershed District indicated it was going through its plan preparation review and approval and did not really want to enter into enlargement of its district. Since that time, that plan has been submitted and approved by BWSR and they are now ready for the enlargement of their district.

Mr. Moore indicated that what BWSR is proposing to do is establish a subcommittee with two members from the South Washington Watershed Board, representation from each of the cities which would be St. Paul Park, Newport and Grey Cloud Island Township, and representation from the County. This subcommittee would determine what the representation on the Board would be. BWSR wants to make it clear that the South Washington Watershed plan is out there, it's been approved by BWSR and they are now operating under that plan. There will be no discussion on financing of projects which have been shot down, and they don't want to discuss whether or not the consolidation should occur. The Counties have already spoken and indicated that they should. The consolidation will move forward. The discussion will simply involve representation on the Board as far as how much representation East Mississippi would get. Four primary options have been discussed thus far. The first one is to replace the current vacancy on the South Washington Watershed with someone from East Mississippi and maintain a five-member board. The second option would be to allow one representative from the East Mississippi area and make it a six-member board. He feels that would probably not be the best situation. The third option would be to give East Mississippi two representatives and make it a seven-member board. The fourth option was to do that same thing but then phase out two of the manager positions back to a five-member board over a period of time.

Commissioner Peterson asked when a final decision will be made as to these options?

Mr. Moore indicated that the subcommittee will most likely be established at the South Washington Watershed District Board meeting in November, at which time their subcommittee members will be appointed. There will be a letter going out to the communities and the counties requesting participation. BWSR hopes to do this over the next couple of months. He sees a series of two to three meetings of that subcommittee. The subcommittee's recommendation of representation for that area would go right into the petition that would enlarge this boundary. Mr. Moore also provided a map from Brett Emmons, technical advisor to South Washington Watershed, which shows the hydrologic units and he will leave that for the Board to look at. He indicated that South Washington Watershed is interested in getting this area into their watershed sometime after the first of the year.

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Commissioner Peterson indicated that the Board has scheduled an interview for the vacancy on the South Washington Watershed with an applicant from Oakdale for November 4, 1997.

It was Board consensus to cancel the interview with the applicant from Oakdale for the vacancy on the South Washington Watershed District since the representation of that watershed has yet to be determined.

Commissioner Abrahamson moved to appoint Commissioner Hauser to the subcommittee of the South Washington Watershed District to consider the future representation on that Board of Managers. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Brown's Creek Watershed District

Commissioner Hauser noted that the Board of Water and Soil Resources has appointed members to the newly established Brown's Creek Watershed District. They are Karen Kilberg, Daniel Potter, Ned Gordon, Jon Michels, and Craig Leiser. The first meeting will be held on October 28, at 4:30 in the Stillwater City Hall.

Forest Lake WMO

Mr. Moore, BWSR, informed the Board that the Forest Lake WMO is having its organizational meeting Wednesday night as part of its boundary expansion into Chisago County. That meeting will be held in the Forest Lake Town Hall at 7:00 p.m. on October 29.

County Insurance Trust Refund

Mr. Schug, County Administrator, informed the Board that the County has received a refund check in the amount of \$183,000 for worker's comp.

MCIT Annual Meeting

Mr. Schug advised the Board that MCIT will hold its annual meeting on November 30, the first day of the AMC Conference, at 3:30 to 5:00 p.m. The County has been asked to name its voting delegate and an alternate. Commissioner Hegberg plans on attending that meeting and would propose that he be named as the delegate. Mr. Schug asked for a volunteer as the alternate in case Commissioner Hegberg could not attend for some reason.

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Commissioner Hegberg moved to appoint Commissioner Engstrom as an alternate voting delegate to the MCIT meeting on November 30, 1997. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Tour of Grey Cloud Island

Mr. Schug informed the Board of a tour that the DNR is setting up for October 29 at the Grey Cloud Island site. Ron Nargang, DNR, and other representatives will tour the site and discuss whether or not there are some opportunities for a partnership. The Commissioners are invited to attend this tour.

Commissioner Hauser indicated she would like to attend that tour, but will be taking another tour at the Resource Recovery Facility and follow the trash to Red Wing where the fuel is actually burned.

Employee Recognition Dinner

Mr. Schug reminded the Board that the County will recognize employees with 20 plus years of service tonight at the Historic Courthouse beginning at 5:30 p.m.

County Charitable Fund

Mr. Schug informed the Board that the final total is in for this year's charitable fund drive, and the County collected \$16,522 for the five charities registered with the County.

Joint Ditch No. 1

Mr. Schug advised the Board that Chisago County has passed a resolution abandoning Joint Ditch No. 1. He stated that Commissioner Hegberg has written the Joint Ditch Board asking that a meeting be convened to take care of the additional issue of abandoning the ditch and drawing down the state appropriations that were approved in the last legislative session.

DISCUSSION FROM THE AUDIENCE

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

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COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson stated he has received a lot of complaints from citizens regarding junk mail regarding refinancing mortgages and so forth. They informed him that the companies got the names from the County Recorder's Office.

Commissioner Hauser noted that people can request that their names be removed from lists that are sold to those companies.

Mr. Arney, County Attorney, noted that the public can also remove their names from the State lists through driving license and license plates.

Commissioner Engstrom updated the Board on the Waste Management Act Rewrite Committee. He stated they met for two days and got through three of the fifteen subjects. He is disappointed in the process. They will meet again on November 5. He feels it is too big a group to accomplish anything.

Commissioner Peterson announced that there will not be a Board meeting on November 11 since it is Veteran's Day.

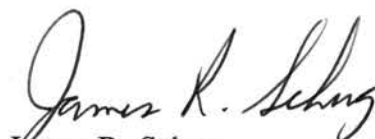
BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

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

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
NOVEMBER 4, 1997

The Washington County Board of Commissioner met in regular session at 4:30 p.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; George Kuprian, Assistant County Attorney; John Devine, Controller; Judy Honmyhr, Human Resources Director; Mary McGlothlin, Director of Health, Environment and Land Management; Judy Arends, Waste Management Division Manager; Don Wisniewski, Public Works Director; Richard Stafford, Auditor-Treasurer; Mark Doneux, Soil and Water Conservation District; Dan Papin, Community Services Director; Rick Backman, Community Services Division Manger; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Engstrom to adopt the following Consent Calendar:

1. Approval of the October 14 and 21, 1997 Board Meeting minutes.
2. Approval of revised Data Practices Fee Schedule - Special Rates (Appendix A) and Data Practices List of Responsible Authorities and Designees (Appendix D).
3. Approval to advertise for 1998 newspaper publication of County legal notices.
4. Approval for staff to solicit consultant proposals and bids for a hydrology and hydraulic study for the Brown's Creek Watershed.
5. Approval to set the Truth in Taxation hearing for 7:00 p.m., December 9, 1997 and set a continuation date for 7:00 p.m. December 16, 1997 (if needed).
6. Approval of purchase of service agreements to develop a new restorative justice initiative for East Communities Family Service, Forest Lake Youth Service Bureau, Youth Service Bureau, Inc., and White Bear Lake Community Counseling Center.
7. Adoption of **Resolution No. 97-146** as follows:

November 4, 1997

Authorizing Execution of Sub-Grant Agreement for
Federal Assistance Under the Infrastructure Program
Through the Minnesota Department of Public Safety,
Division of Emergency Management

WHEREAS, Washington County did receive a Presidential Disaster Declaration due to damage caused by spring flooding on April 8, 1997; and

WHEREAS, this declaration made available Federal financial assistance through the Federal Emergency Management Agency under the Infrastructure Program; and

WHEREAS, Washington County has properly applied in good faith for the financial assistance made available under the Infrastructure Program and is eligible to receive assistance in the amount of \$52,832; and

WHEREAS, Myra Peterson, Board Chair, and James Schug, County Administrator, are authorized to execute the terms of the agreement and thereby act on behalf of Washington County for all contractual obligations contained therein.

NOW, THEREFORE BE IT RESOLVED THAT Washington County fully agrees to the terms of the Sub-Grant Agreement with the Division of Emergency Management in the Minnesota Department of Public Safety for the program entitled Infrastructure Program of FEMA 1175-DR-Minnesota and with the passage of this resolution, officially requests the Division of Emergency Management to enforce the contract in accordance with the applicable rules and regulations.

8. Approval to create a Social Worker promotional program in the Community Services Department.
9. Approval to allow the Director of Public Works to offer up to Step F in the pay schedule for the vacancy of Facilities Manager.
10. Approval to appoint Commissioner Myra Peterson as the official alternate for Commissioner Mary Hauser on the Advisory Committee for the MN/DOT Commuter Rail Study.
11. Approval to execute acquisition Grant Agreement SG-97-94 for the acquisition of Parcel B (St. Croix Bluffs Regional Park) with the Metropolitan Council.

The foregoing Consent Calendar was adopted unanimously.

PUBLIC WORKS DEPARTMENT

Commissioner Engstrom stated he had several concerns regarding the Public Works proposal to change the stop signs at the intersection of Neal Avenue and Hudson Road South in Afton which would allow traffic on Hudson Road South to proceed without stopping and stopping the traffic on Neal Avenue. In

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fact, he stated the stop signs had been changed yesterday, prior to today's Board meeting requesting that change. He has received several calls on this change including former County Commissioner Don Scheel.

He feels there's a traffic pattern there because of the heavy traffic of the frontage road which is mainly gravel trucks and there is nothing to slow down traffic at all between County Road 21 and Manning Avenue. He watched traffic at this intersection this evening and for a little bit yesterday. He saw a lot of people pulling up to that stop sign, and even though it is posted that traffic does not stop, three vehicles pulled up to that stop sign thinking it's a four-way stop and pulled ahead right in front of other traffic. He would support a four-way stop, but he's having difficulty with what is being suggested in this resolution.

Don Wisniewski, Public Works Director, apologized to Commissioner Engstrom for the sign being posted before this resolution was adopted. The work order went out on the assumption that it would be ok with the County Board to complete by November 7. There was no qualification on the work order that the maintenance crew had to wait until after Board approval. He stated there was a landowner who submitted a comment card regarding the noise being generated by the trucks having to stop at the intersection of Neal Avenue and Hudson Road South in Afton. He indicated that this is a Minnesota Department of Transportation (MN/DOT) intersection and they took a look at the traffic counts. The traffic counts indicated that Hudson Road South is the street with more traffic, three times as much traffic as Neal Avenue. The sight distance along Neal Avenue, if you stop on Hudson Road and you look to the north there's a vertical curve that's a bridge and you look to the south and there's another vertical curve and if you were to stop Neal for Hudson traffic, it's unlimited traffic volume in either direction. Accident data was also looked at. In the last two years there have been four accidents, and three of them have been blowing the stop sign on Hudson Road. Those three factors together prompted the Public Work's decision, and it was discussed with MN/DOT to change the stop signs.

Commissioner Engstrom stated the traffic counts may well justify it, but the patterns that exist and the type of traffic that exists with the heavy gravel trucks and commercial trucks, he does think it is necessary for a stop sign there to slow them down. He knows of at least one fatality in that area in 1992, a person that he knew and it was caused by somebody who also blew the stop sign. He is requesting a four-way stop rather than a two-way stop.

Mr. Wisniewski stated they did look at the multi-way stop. The warrants for a four-way stop is an accident problem of five or more accidents a year that are correctable with a four-way stop. In the last two and a half years there were no more than two per year. There has to be 350 vehicles per hour entering an intersection from all approaches for eight hours of a day. That is accomplished for only two hours. There has to be a minimum of 140 vehicle and pedestrian crossings from the minor street and that is accomplished in only one hour of eight hours. It doesn't meet the warrants for a four-way stop.

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Mr. Wisniewski stated that this is an affirming resolution. Technically, the State of Minnesota has the jurisdiction over this. They were in agreement with the County's conclusions, they did the traffic counting and they asked if the County would make the change in terms of the signage because of their work load they probably wouldn't have gotten to it for sometime.

Commissioner Hegberg moved to adopt **Resolution No. 97-147** as follows:

Authorization for County Engineer to Change the Traffic Control
at the Intersection of Neal Avenue and Hudson Road South

WHEREAS, traffic counts have been conducted during October, 1997 at the intersection of Neal Avenue (County Road 71) and Hudson Road South (I-94 south Frontage Road) in Afton and the traffic counts indicated that Hudson Road South is the street with more traffic; and

WHEREAS, the existing traffic control requires Hudson Road to stop which is causing unnecessary delays for the majority of the traffic; and

WHEREAS, a change in traffic control would allow Hudson Road South traffic to proceed without stopping and would reduce the overall delays at the intersection and will reduce noise caused by trucks currently stopping at Neal Avenue; and

WHEREAS, both the Minnesota Department of Transportation and the County Engineer recommend to change the traffic control based on the circumstances; and

WHEREAS, the existing counts do not meet warrants for an all way stop.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes the County Engineer to change the traffic control and erect and maintain the proper signs at the intersection of Neal Avenue (County Road 71) and Hudson Road South to allow the Hudson Road South traffic to proceed without stopping and stop the traffic on Neal Avenue.

Commissioner Abrahamson seconded the motion and it was adopted 4-1 with the vote as follows: Yes, Commissioners Abrahamson, Hegberg, Peterson and Hauser; No, Commissioner Engstrom.

Commissioner Hegberg requested that the County watch this area and return to the old way if that proves to be the case.

Commissioner Hauser asked that the speed limit in this area also be monitored.

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METROPOLITAN MOSQUITO CONTROL DISTRICT

Joe Sanzone, Director, and Jim Stark, Public Affairs Coordinator, for the Metropolitan Mosquito Control District, presented updates on the following 1997 activities: Priority treatment areas; LaCrosse Encephalitis; Tick Sampling Sites for Lyme Disease (1990-1996) and Ehrlichiosis (1995) monitoring; Work summary on mosquitoes, black flies and ticks in Washington County; and Providing public information to local newspapers on mosquitoes and how to control them. An overview of the 1998 tax levy and proposed budget were also presented.

HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Commissioner Engstrom moved to set a public hearing for Tuesday, November 18, 1997 at 9:00 a.m. for amendments to Section 13, Service Charge of the Solid Waste Management Ordinance #114 and authorize publication of public notice. Commissioner Hegberg seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION**Resolution Authorizing Issuance of General Obligation Bonds for HRA Landfall Terrace Project**

James Schug, County Administrator, stated that following last week's public hearing, the Board gave preliminary approval to pledging the County's General Obligation to the bonds for the refinancing of the Landfall Terrace Project. At that time, the Board directed staff and the County Attorney's Office to prepare a resolution to implement that and also develop agreements with the Washington County Housing and Redevelopment Authority that would carry out the County's General Obligation pledge and also provide various protections to the County in offering that pledge. He indicated that staff has been working non-stop with the HRA, Bond Counsel and Evenson Dodge to develop the various documents, discuss the issues and make sure the County's interests are protected. As a result of a review by staff and the Finance Committee, a revised resolution is presented to the Board to replace the resolution that was included in the Board packet.

Wes Butler, Deputy Director, Washington County Housing and Redevelopment Authority, reviewed the Landfall Terrace Project and flow of funds from the 1997 Landfall bond issue. He also reviewed the objectives of the proposal as follows: 1) Retain affordable housing and keep Landfall a viable community; 2) Stabilize the 1992 Bond Pool; 3) Redirect resources to other projects; 4) New Bond structure to include: (a) refinance at lower rate (7.5% to 5.5% reduction in interest rate); (b) Reduce debt service supported with rental revenues (7.9 million to 5.4 million); (c) Removal of \$1 purchase clause; and (d) Eliminate existing municipal service agreement; and 5) Landfall HRA responsible for management of park operations.

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Commissioner Abrahamson asked that someone from the Finance Committee address some of his concerns. He is concerned on the 1994 debt of the Raymie Johnson and Scandia housing projects, he wants to know how that's going to play out as far as removing monies that have been removed in the past and put on to projects that are not paying their way. He would like to hear from the Finance Committee.

Mr. Butler stated that the funds Commissioner Abrahamson referred to for Raymie-Johnson and Scandia, the HRA did withdraw around \$200,000 earlier this year to pay for legal fees for litigation against Holmes and Graven. Those funds will be replenished once the settlement is received from that lawsuit.

Commissioner Abrahamson asked what the total fees were for that lawsuit that the HRA was involved in? Commissioner Engstrom stated that the Judge placed a gag order on both sides from disclosing the amount of the settlement. If the total amount of the legal fees were discussed he's afraid there could be a calculation of the total amount of settlement.

Mr. Schug stated that the "sweeping" of some of the accounts was brought up at the Finance Committee meeting this morning. There was concern about the two bond issues that also have County General Obligation pledges connected to them. They talked about it and as a result of the discussion they did get a letter today from the HRA specifying the amounts that were taken out of those funds and assuring us they were used to pay for the legal fees of that lawsuit and that they would be returned to those accounts when the settlement is received. He will provide a copy to the County Board members.

Mr. Schug brought two matters to the Board's attention. He stated that last week there was discussion on developing an agreement with the HRA which would give the County certain rights in approving HRA's annual budget and requesting or demanding a change in the management firm if the County's general obligation were ever called upon in this bond. After working on this for the past week, they believe alternative protections for the County have been built into the various agreements including an agreement to get a mortgage or security interest in the property. Staff is recommending that instead of the agreement for those budget approvals and management company involvement, they use a mortgage and agreements that have been developed. That keeps the County out of the management of the project, the operations, and better addresses the concerns that the County Attorney's Office gave the Board last week.

Richard Stafford, Auditor-Treasurer, stated if the Board had asked him last week for his opinion as the Auditor-Treasurer of Washington County, he would have said there is nothing in this that is good for the taxpayers of Washington County. Since last week George Kuprian, Assistant County Attorney, John Devine, Controller, Jim Schug, County Administrator, the attorneys of HRA, and HRA staff have been

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working on this and they have added some language that makes him pretty comfortable. The language is on the last page of the resolution, items (d) Indenture of trust and (e) Security interest/mortgage. Item (e) is the one that gives him his comfort level. If the County has to pony-up the money to payoff this debt, the County will own Landfall. He does believe that given this agreement today, the taxpayers of the County are protected pretty well.

Commissioner Engstrom moved to adopt **Resolution No. 97-148**, as follows:

Resolution Approving the Pledge of the General
Obligation of Washington County to Washington County
Housing and Redevelopment Authority Governmental
Housing Revenue Refunding Bonds (Washington County
General Obligation - Landfall Terrace Project) Series 1997 to be
Issued in an Aggregate Principal Amount Not to Exceed \$7,500,000

WHEREAS, pursuant to Minnesota Statutes, Section 469.017, the Washington County Housing and Redevelopment Authority (the "Authority") is authorized to undertake housing development projects for the purpose of providing housing for low and moderate income persons and families; and

WHEREAS, pursuant to Minnesota Statutes, Section 469.034, subd. 2, the Authority is authorized to issue bonds backed by the full faith and credit of Washington County (the "County") to finance or refinance a qualified housing development project following (a) a determination by the Authority that pledged revenues will equal or exceed 110% of the principal and interest due on such bonds for each year, and (b) approval by the County of the principal amount of the Bonds following a public hearing; and

WHEREAS, the Authority has previously issued its \$18,700,000 Pooled Housing and Redevelopment Limited Annual Appropriation Tax and Revenue Bonds (Pooled Refunding Project) Series 1992 (the "1992 Pooled Bonds") to refund in part debt previously issued by the Authority to finance the acquisition of a housing development project located in the City of Landfall Village, consisting of 318 sites for manufactured housing and related facilities (the "Landfall Terrace Project"); and

WHEREAS, to finance in part the acquisition of the Landfall Terrace Project the Authority also issued its \$480,000 Promissory Revenue Bond (Landfall Terrace Project) dated December 22, 1991, in favor of Mitzi M. Olson (the "Note"); and

WHEREAS, the Authority has determined that it is in the best interest of the public health, safety and welfare that it issue its Governmental Housing Revenue Refunding Bonds (Washington County General Obligation - Landfall Terrace Project) Series 1997, in one or more series to refund the portion of the 1992 Pooled Bonds reasonably allocable to the Landfall Terrace Project and to pay or refund the Note (the "Series 1997 Bonds"); and

WHEREAS, the Authority has proposed to pledge the general obligation of the County as additional security for the Series 1997 Bonds, which Series 1997 Bonds are to be issued by the Authority in an aggregate principal amount not to exceed \$7,500,000 and are payable from certain pledged revenues of the Landfall Terrace Project and certain other pledged revenues (the "Special Tax Levy" as defined below);

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WHEREAS, the Authority as a condition precedent to the issuance of the 1997 Bonds must find that the pledged revenues, including pledged revenues from the Landfall Terrace Project and the Special Tax levy, will equal or exceed 110 percent of the principal and interest due on such bonds for each year; and

WHEREAS, the Landfall Terrace Project constitutes a "qualified housing development project", which is defined under Minnesota Statutes, Section 469.034, subd. 2, as a housing development project providing housing either for the elderly or for individuals and families with incomes not greater than 80% of the median income for the standard metropolitan statistical area in which the project is located, with certain limited exceptions defined in Minnesota Statutes, Section 469.034, subd. 2(e); and

WHEREAS, the maximum amount of bonds issued and outstanding under Minnesota Statutes, Section 469.034, subd. 2, to which the County's general obligation is pledged, including the outstanding general obligation bonds of all cities in the County issued under Minnesota Statutes, Section 469.034, subd. 2, when added to the proposed not-to-exceed aggregate principal amount of the Series 1997 Bonds, does not exceed the greater of (a) one-half of one percent of the taxable market value of the County, or (b) \$3,000,000, as required by Minnesota Statutes, Section 469.034, subd. 2(c); and

WHEREAS, in connection with the issuance of the Series 1997 Bonds the Authority will lease the Landfall Terrace Project to the Landfall Village Housing and Redevelopment Authority which will be responsible for management, operation and maintenance of the Landfall Terrace Project and payment of rents for application to debt service on the Series 1997 Bonds; and

WHEREAS, on October 28, 1997, the County conducted a public hearing following publication of notice, pursuant to Minnesota Statutes, Section 469.034, subd. 2; and

WHEREAS, the County is authorized by Minnesota Laws 1997, Chapter 231, Article 2, Section 58, to levy, in addition to all other levies authorized by law, an amount not to exceed \$2,000,000 over a ten-year period beginning in 1997 for taxes payable in 1998, and transfer the proceeds of such levy to the Authority to support activities of the Authority which may include refinancing the indebtedness of the Authority in the City of Landfall.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY AS FOLLOWS:

1. That pursuant to Minnesota Statutes, Section 469.034, subd. 2, the County hereby approves the issuance by the Authority of, and the pledge of the general obligation of the County as additional security for, up to \$7,500,000 aggregate principal amount of the Authority's Series 1997 Bonds to be issued in one or more series.
2. That such approval is subject to final determination by the Authority to be made in the Authority's resolution approving the sale of the Series 1997 Bonds that (a) the projected revenues pledged to the payment of the Bonds will equal or exceed 110% of the principal and interest due on the Bonds for each year of their term; (b) the Landfall Terrace Project is a qualified project as defined in Minnesota Statutes, Section 469.034, subd. 2(a); and (c) the maximum amount of bonds issued and outstanding under Minnesota Statutes, Section 469.034, subd. 2, to which the County's general obligation is pledged, including the outstanding general obligation bonds of all cities in the County issued under Minnesota Statutes, Section 469.034, subd. 2, when added to the proposed not-to-exceed aggregate principal amount of the Series 1997 Bonds, does not exceed the greater of (a) one-half of one percent of the taxable market value of the County, or (b) \$3,000,000, as required by Minnesota Statutes, Section 469.034, subd. 2(c).

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3. That for purposes of issuance of the Series 1997 Bonds and the final determination to be made by the Authority referred to in paragraph 2(a) above, the County hereby acknowledges that in order to reach the 110% requirement set forth in Minnesota Statutes, Section 469.034, subd. 2 the County will need to levy property tax levy for real property taxes due and payable in 1998, and for real property taxes due and payable in each of the next succeeding nine (9) years thereafter, a levy authorized by Minnesota Laws 1997, Chapter 231, Article 2, Section 58, in the amount of \$200,000 per year (the "Special Tax Levy"), the proceeds of any such levy will be transferred to the Authority and pledged as additional revenue of the Authority to debt service on the Series 1997 Bonds pursuant to Minnesota Statutes, Section 469.034, subd. 1.

4. That the County hereby approves the use of the proceeds of the Series 1997 Bonds to refund the portion of the 1992 Pooled Bonds reasonably allocated by the Authority to the Landfall Terrace Project, and to pay or refund the Note.

5. That the County hereby approves the following documents (collectively, the "Agreements"):

- (a) a Pledge and Reserve Agreement between the County and the Authority, providing for the transfer and pledge to the Authority of the proceeds of the Special Tax Levy described in paragraph 3 above, and retention of certain revenues related to the Landfall Terrace Project for a reserve for debt service on the Series 1997 bonds;
- (b) a Landfall Project Agreement, by and among the County, the Authority, the Landfall Village Housing and Redevelopment Authority ("Landfall HRA") and the City of Landfall Village, concerning exemption of the Landfall Terrace Project from real and personal property taxes, payments in lieu of taxes, and the provision of public services and facilities; and
- (c) a Custodial Agreement by and among the Authority, the Landfall HRA, the County and First Trust National Association, as Custodian, providing for deposit and application of revenues of the Landfall Terrace Project;
- (d) Indenture of trust
- (e) Security interest/mortgage

The Chair and County Administrator are hereby authorized and directed to execute and deliver the Agreements in the name and on behalf of the County. The form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall, in the opinion of the Chair and the County Administrator, conform to the mandate articulated by the County Board at its October 28, Public Hearing. The execution and delivery of the Agreements shall be conclusive evidence of the determination that any variance was not materially adverse to the interests of the County.

6. That the Chair, County Administrator and County Controller or any two of them are further authorized and directed to execute and deliver in the name and on behalf of the County a Continuing Disclosure Agreement in a form adequate to comply with the requirements of Securities Exchange Act of 1934 Rule 15CZ-1Z and such other agreements, certificates, documents, and proceedings and records of the County as may be necessary or appropriate or required in connection with the issuance of the Series 1997 Bonds and other transactions or matters related thereto.

7. That the County approves the use of the Preliminary Official Statement and Official Statement in connection with the marketing of the Series 1997 Bonds, and consents to references to the County and the inclusion of financial statements and other data and information concerning the County therein.

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Commissioner Hegberg seconded the motion and it was adopted unanimously.

Commissioner Peterson expressed her appreciation to County staff, the HRA staff and the Finance Committee. She believes this is an agreement that they can all live with. She thinks the citizens of Washington County have been well represented by the staff of both organizations and she thanked them.

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson reported that he will be attending the 911 Executive Committee tomorrow morning at 10:30 a.m. to sign two contracts.

Commissioner Abrahamson asked staff if there is a new policy for stamping deeds in the County? Commissioner Engstrom indicated he had a similar call that he referred to Cindy Koosmann, County Recorder. Commissioner Abrahamson stated that Dennis O'Donnell, Senior Land Use Specialist, was named as the person that was saying there's a stamp fee on all deeds that have to go through the County.

Richard Stafford, Auditor-Treasurer, stated that because of a change in the Zoning ordinance, before they can process any splits on property in the townships, they have to go the Department of Health, Environment and Land Management to have a land agent review it to make sure they comply with the new ordinance. He cannot tell the Board if there is a fee for H.E.L.M. to do this.

Commissioner Peterson asked that a written response be prepared for the next Board meeting to address this question, which the Board will share with the public at that time.

Commissioner Engstrom informed the Board that he will be attending the Waste Management Act Rewrite Committee tomorrow and will let the Board know what the results are. He also wanted to go on record thanking the members of the Finance Committee and Mr. Stafford who scrutinized and worked through all the issues regarding the refinancing.

Commissioner Hauser mentioned that the Stillwater Library is bringing to a close its celebration of its centennial.

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Commissioner Hegberg mentioned that the Resource Recovery Board relinquished their \$50 per diem for County Commissioners.

Commissioner Peterson announced that the Lower St. Croix Planning Coordinating Office will be hold a meeting on Wednesday, November 12 in Hudson, Wisconsin, to discuss land use controls, zoning and management structure. They will also meet on Thursday, November 20 to discuss water surface use regulations, island management, water quality and highway improvements in corridor. She suggested that someone from staff attend these meetings.

Commissioner Peterson reminded the viewing audience that there will no be Board meeting next Tuesday because of Veteran's Day and the offices will be closed.

James Schug, County Administrator, expressed his appreciation to the Board for thanking staff on the HRA issue. He expressed his thanks to Pat Raddatz, Board Secretary, in preparing the final resolution. The Board also expressed their thanks.


BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Engstrom moved to adjourn, seconded by Commissioner Abrahamson and it was adopted unanimously. The Board meeting adjourned at 5:45 p.m.

Attest:


James R. Schug
County Administrator


Myra Peterson, Chair
County Board

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
NOVEMBER 18, 1997**

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Richard Arney, County Attorney, George Kuprian, Assistant County Attorney; Mary McGlothlin, Director of Health, Environment and Land Management; Judy Arends, Waste Management Manager; Judy Honmyhr, Human Resources Director; Dan Papin, Community Services Director; Don Wisniewski, Public Works Director; Sandy Cullen, Transportation Engineer; Scott Hovet, County Assessor; Richard Stafford, Auditor-Treasurer; Cindy Koosmann, County Recorder; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Hegberg to adopt the following Consent Calendar:

1. Approval of the October 28 and November 4, 1997 Board meeting minutes.
2. Approval to appoint Jane Harper, Principal Planner, Office of Administration, as an alternate to the Metro GIS Coordinating Committee.
3. Adoption of **Resolution No. 97-149** as follows:

Gambling License Renewal for the
Recreation Chisago City Area Lakes Association

WHEREAS, on or about October 30, 1997, the Recreation Chisago City Area Lakes Association has made application pursuant to the statutes of the State of Minnesota authorizing lawful gambling; and

WHEREAS, the premises involved are Trails End, located at 16297 Scandia Trail North, New Scandia Township, Washington County; and

THEREFORE, BE IT RESOLVED THAT THE Washington County Board of Commissioners does hereby resolve to approve the granting of a premises permit for the above-described licensee at the above-described location subject to the terms and conditions of all the Laws of the State of Minnesota, the County of Washington and Township of New Scandia.

4. Approval to advertise for bids for election equipment.

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5. Approval of amendments to contracts for home and community based services for persons with developmental disabilities for: Adapted Living Programs, A.M.E. Community Services, Northeast Residence and NEKTON.
6. Approval of contract with Partnerships for Minnesota Futures, Inc. to provide home and community based services for persons with developmental disabilities.
7. Approval of Community Services application for grant for children's mental health services for respite care services for children with severe emotional disturbance.
8. Approval of 1998 child and teen checkup program contract with Washington County Health, Environmental and Land Management.
9. Approval of banding and grading of the following new job descriptions: PC/LAN Technician, B24-1; PC/LAN Analyst, B25-1; and approval of job descriptions.
10. Approval of banding and grading of the revised job description of Land Use Specialist II in the Health, Environment and Land Management Department at C42-1.
11. Approval of Amendment No. 2 to the County/Club agreement with the Star Trail Association for snowmobile trail use within the County.
12. Approval to advertise for construction of a truck wash enclosure at the Public Works North Shop.
13. Approval to advertise for audio assistive listening construction aspects in court rooms 1, 7 and 8 to complete the Courts renovation project.
14. Adoption of **Resolution No. 97-150** as follows:

Authorizing Eminent Domain Proceedings for CSAH 3

WHEREAS, Washington County proposes to improve County State Aid Highway 3 from CSAH 4 to the North County line in May Township and New Scandia Township; and

WHEREAS, the improvements consist of grading, aggregate base, bituminous surfacing and shouldering, concrete curb and gutter, storm sewer, sidewalk and drainage structures as herein determined necessary to provide for the safety of the traveling public; and

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WHEREAS, the acquisition of all right of way and easements over certain lands are necessary to provide for said construction; and

WHEREAS, Washington County has authority to acquire right of way and easements for highway purposes by eminent domain pursuant to Minnesota law; and

WHEREAS, Washington County has the right to acquire right of way and easements prior to the filing of an award by the court appointed commissioners pursuant to Minnesota law; and

WHEREAS, Washington County is unable to begin construction on the lands described herein until it has acquired title and possession to the necessary right of way and easements; and

WHEREAS, waiting until the commissioners file their award would delay the completion of the project, thus increasing the inconvenience to the traveling public; and

WHEREAS, Washington County has been unable to successfully negotiate the acquisition of the following required right of way and easements:

SEE ADDENDUM

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners hereby authorizes the acquisition of said property interests by eminent domain and to take title and possession of that land prior to the filing of an award by the court appointed commissioners.

BE IT FURTHER RESOLVED that the Washington County Attorney's Office is authorized to commence the necessary proceedings to acquire title and possession and to prosecute said action to a successful conclusion or until it is abandoned, dismissed or terminated by the County or Order of the Court.

ADDENDUM

CONDEMNATION LIST - COUNTY STATE AID HIGHWAY 3

PARCEL 8, R/W PLAT 108:

Fee Owner: Kermit N. Granberg
22839 Olinda Trail North
Scandia, MN 55073

Mortgagee: None

Acquisition Summary: 0.04 Acres of Existing Right of Way (to be acquired in easement)
0.012 Acres of Temporary Slope Easement
(To begin April 1, 1998 and expire October 31, 2000)

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Legal Description of R/W Acquisition:

Parcel No. 8 of Washington County Highway Right of Way Plat No. 108. Said parcel being within the NE¼ of the NE¼ of Section 11, Township 32 North, Range 20 West, Washington County, Minnesota. Washington County Highway Right of Way Plat No. 108 is recorded as document no. 945176 in the Records Office of Washington County, Minnesota.

Legal Description of Temporary Slope Easement:A Temporary Slope Easement on a Portion of the Following Property:

Part of the NE¼ of the NE¼ of Section 11, Township 32 North, Range 20 West, Washington County, Minnesota, as referenced by Geo Code 11.032.20.11.0004.

Said Temporary Slope Easement described as follows:

Not to exceed 5 meters (16.40 feet) in width between and right of Engineer's Stations 11+219 and 11+229; and

Not to exceed 3 meters (9.84 feet) in width between and right of Engineer's Station 11+229 and the north property line of the above described property.

Said slope easement lies east of and adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCEL 17, R/W PLAT 108:

Fee Owner: William Cole and Joan A. Cole
14800 Oren Road North
Scandia, MN 55073

Mortgagee: Norwest Bank Minnesota N.A.
208 South Lake Street
Forest Lake, MN 55025

Acquisition 0.68 Acres of Existing Right of Way (acquire in highway easement)
Summary: 0.11 Acres of New Right of Way (acquire in highway easement)
0.072 Acres of Temporary Slope Easement

Legal Description of R/W Acquisition:

Parcel No. 17 of Washington County Highway Right of Way Plat No. 108 - C.S.A.H. 3. Said parcel no. 17 is within the SW¼ of the NE¼ of Section 11, Township 32 North, Range 20 West, Washington County, Minnesota. Washington County Highway Right of Way Plat No. 108 is recorded as document no. 945176 in the Recorder's Office of Washington County, Minnesota.

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Legal Description of Temporary Slope Easement:A Temporary Slope Easement on a Portion of the Following Property:

That property within the SW ¼ of the NE ¼, Section 11, Township 32 North, Range 20 West, as described in Document No. 294864 in the Washington County Recorder's Office, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 3 meters (9.84 feet) in width between and left of Engineer's Station 10+677 and the north line of the above described property.

Said slope easement lies west of and adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCEL 14, R/W PLAT 110:

Fee Owner: Gene A. Hinz and Maria Hinz
21590 Olinda Trail North
Scandia, MN 55073

Mortgagee: Norwest Mortgage, Inc.
P.O. Box 5137
Des Moines, IA 50306-5137

Acquisition 0.163 Acres of Existing Right of Way (acquire in highway easement)
Summary: 0.007 Acres of New Right of Way (acquire in highway easement)

Legal Description of R/W Acquisition:

Parcel No. 14 of Washington County Highway Right of Way Plat No. 110 - C.S.A.H. 3. Said parcel no. 14 is within the SE ¼ of the NW ¼ of Section 14, Township 32 North, Range 20 West, Washington County, Minnesota. Washington County Highway Right of Way Plat No. 110 is recorded as document no. 945178 in the Recorder's Office of Washington County, Minnesota.

PARCEL 15, R/W PLAT 112:

Fee Owner: Richard H. Larkey and Dawn L. Larkey
Route 1, Box 248
Hinckley, MN 55037-9801

Contract Wyman C. Detzler and Joan K. Detzler
Purchasers: 20621 Olinda Trail North
Marine on St. Croix, MN 55047

Mortgagee: None

Acquisition 0.24 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.064 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

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Legal Description of R/W Acquisition:

Parcel No. 15 of Washington County Highway Right of Way Plat No. 112 - C.S.A.H. 3. Said parcel no. 15 is within Lot 41, County Auditor's Plat No. 6, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:A Temporary Slope Easement on a Portion of the Following Property:

That part of Lot 41 of County Auditor's Plat No. 6, Washington County, Minnesota, described in document no. 717550 as found in the Washington County Recorder's Office.

Said Temporary Slope Easement described as follows:

Not to exceed 6 meters (19.69 feet) in width between and right of the south line of the above described property and Engineer's Station 7+210; and

Not to exceed 4 meters (13.12 feet) in width between and right of Engineer's Stations 7+210 and 7+220; and

Not to exceed 2 meters (6.56 feet) in width between and right of Engineer's Stations 7+220 and 7+240.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCELS 7 & 10, R/W PLAT 114:

Fee Owner: Floyd S. Carlson and Patricia A. Carlson
401 Creek Lane
Chaska, MN 55318

Mortgagee: Midway National Bank of St. Paul
1578 University Avenue
St. Paul, MN 55104

Acquisition 1.71 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 5.66 Acres of New Right of Way (to be acquired in highway easement)

Legal Description of R/W Acquisition:

Parcel Nos. 7 and 10 of Washington County Highway Right of Way Plat No. 114 - C.S.A.H. 3. Said parcels are within the SW¼ of the NE¼ of Section 27, Township 32 North, Range 20 West, Washington County, Minnesota.

PARCELS 1 & 3, R/W PLAT 116:**TORRENS**

Fee Owner: Willard M. Miller and Lois L. Miller
18640 Olinda Trail North
Marine on St. Croix, MN 55047

November 18, 1997

Mortgagee: None

Acquisition 5.42 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.11 Acres of New Right of Way (to be acquired in highway easement)
0.133 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel Nos. 1 and 3 of Washington County Highway Right of Way Plat No. 116 - C.S.A.H. 3. Said parcel 1 is within Government Lot 2, Section 34, Township 32 North, Range 20 West, Washington County, Minnesota. Said parcel 3 is within Government Lots 2 and 3, Section 34, Township 32 North, Range 20 West, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

The North 910 feet of Government Lot 2 in Section 34, Township 32 North, Range 20 West, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 2 meters (6.56 feet) in width between and left of Engineer's Stations 4+260 and 4+270; and

Not to exceed 6 meters (19.69 feet) in width between and left of Engineer's Stations 4+270 and 4+320; and

Not to exceed 2 meters (6.56 feet) in width between and left of Engineer's Station 4+320 and the north line of the above described property.

AND

A Temporary Slope Easement on a Portion of the Following Property:

That part of Government Lots 2 and 3 in Section 34, Township 32 North, Range 20 West, Washington County, Minnesota, described in Certificate of Title No. 48979, found in Torrens Book 156 Page 138, Washington County Recorder's Office.

Said Temporary Slope Easement described as follows:

Not to exceed 3 meters (9.84 feet) in width between and left of Engineer's Stations 3+550 and 3+580; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 3+816 and 3+831.

PARCEL 1, R/W PLAT 118:

Fee Owner: John Joseph Albert and Karen Maxine Albert
4090 Valentine Crest
Arden Hills, MN 55112

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Mortgagee: Farm Credit Services of Northwest Wisconsin, FLCA
662 Lake Street South
Forest Lake, MN 55025

Acquisition 1.34 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.24 Acres of New Right of Way (to be acquired in highway easement)
0.484 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 1 of Washington County Highway Right of Way Plat No. 118 - C.S.A.H. 3.
Said parcel no. 1 is within the NW ¼ of the NE ¼ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

The NW ¼ of the NE ¼ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 15 meters (49.21 feet) in width between and right of the south property line of the above described property and Engineer's Station 2+430; and

Not to exceed 8 meters (26.25 feet) in width between and right of Engineer's Stations 2+430 and 2+450; and

Not to exceed 6 meters (19.69 feet) in width between and right of Engineer's Stations 2+450 and 2+500; and

Not to exceed 4 meters (13.12 feet) in width between and right of Engineer's Stations 2+500 and 2+530; and

Not to exceed 2 meters (6.56 feet) in width between and right of Engineer's Stations 2+570 and 2+650; and

Not to exceed 8 meters (26.25 feet) in width between and right of Engineer's Stations 2+650 and 2+720; and

Not to exceed 10 meters (32.81 feet) in width between and right of Engineer's Station 2+720 and the north line of the above described property.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

PARCEL 5, R/W PLAT 118:

Fee Owner: Lester Lawrence Rydeen and Ethel M. Rydeen
13528 - 170th Street North
Marine on St. Croix, MN 55047

November 18, 1997

Life Della C. Rydeen
Estate: 17484 Olinda Trail North
 Marine on St. Croix, MN 55047

Mortgagee: None

Acquisition 1.72 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.39 Acres of New Right of Way (to be acquired in highway easement)
 0.025 Acres of Permanent Drainage Easement
 0.896 Acres of Temporary Slope Easement
 (to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 5 of Washington County Highway Right of Way Plat No. 118 - C.S.A.H. 3.
 Said parcel no. 5 is within the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Permanent Drainage Easement:

A Permanent Drainage Easement on a Portion of the Following Described Property:

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Drainage Easement is Described as Follows:

Commencing at Boundary Marker B6 as shown on Washington County Highway Right of Way Plat No. 118, as recorded in the Washington County Recorder's Office, thence southerly along the easterly right of way of County State Aid Highway 3, a distance of 105 feet to the point of beginning; thence continuing southerly along said easterly right of way, a distance of 32.808 feet; thence easterly perpendicular to said easterly right of way, a distance of 32.808 feet; thence northerly and parallel to said easterly right of way line, to a point that is easterly of and perpendicular to the point of beginning; thence westerly to the point of beginning.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 8 meters (26.25 feet) in width between and right of the south line of the above described property and Engineer's Station 2+100; and

Not to exceed 6 meters (19.69 feet) in width between and right of Engineer's Stations 2+100 and 2+130; and

Not to exceed 4 meters (13.12 feet) in width between and right of Engineer's Stations 2+130 and 2+170; and

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Not to exceed 8 meters (26.25 feet) in width between and right of Engineer's Stations 2+170 and 2+185; and

Not to exceed 8 meters (26.25 feet) in width between and right of Engineer's Stations 2+195 and 2+237.

Not to exceed 20 meters (65.62 feet) in width between and right of Engineer's Station 2+290 and the north line of the above described property.

PARCEL 1, R/W PLAT 119:

Fee Owner: Lester Lawrence Rydeen and Ethel M. Rydeen
13528 - 170th Street North
Marine on St. Croix, MN 55047

Life Della C. Rydeen
Estate: 17484 Olinda Trail North
Marine on St. Croix, MN 55047

Mortgagee: None

Acquisition 1.32 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.91 Acres of New Right of Way (to be acquired in highway easement)
0.010 Acres of Permanent Drainage Easement
0.371 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 1 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3. Said parcel no. 1 is within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Permanent Drainage Easement:

A Permanent Drainage Easement on a Portion of the Following Described Property:

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Drainage Easement is Described as Follows:

Commencing at Boundary Marker B134 as shown on Washington County Highway Right of Way Plat No. 119, as recorded in the Washington County Recorder's Office, thence southerly along the westerly right of way of County State Aid Highway 3, a distance of 246 feet to the point of beginning; thence continuing southerly along said westerly right of way, a distance of 32.808 feet; thence westerly perpendicular to said westerly right of way, a distance of 13.12 feet; thence northerly and parallel to said westerly right of way line, to a point that is westerly of and perpendicular to the point of beginning; thence easterly to the point of beginning.

Legal Description of Temporary Slope Easement:

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A Temporary Slope Easement on a Portion of the Following Property:

The N½ of the SW¼ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 10 meters (32.81 feet) in width between and left of the south line of the above described property and Engineer's Station 1+600; and

Not to exceed 8 meters (26.25 feet) in width between and left of Engineer's Stations 1+600 and 1+610; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 1+610 and 1+620; and

Not to exceed 2 meters (6.56 feet) in width between and left of Engineer's Stations 1+650 and 1+670; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 1+670 and 1+710; and

Not to exceed 6 meters (19.69 feet) in width between and left of Engineer's Stations 1+710 and 1+720; and

Not to exceed 8 meters (26.25 feet) in width between and left of Engineer's Stations 1+720 and 1+730; and

Not to exceed 10 meters (32.81 feet) in width between and left of Engineer's Stations 1+730 and 1+750; and

Not to exceed 8 meters (26.25 feet) in width between and left of Engineer's Stations 1+750 and 1+760; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 1+760 and 1+790; and

Not to exceed 6 meters (19.69 feet) in width between and left of Engineer's Stations 1+790 and 1+850; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 1+880 and 1+915; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 1+925 and 1+950.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCEL 2, R/W PLAT 119:

Fee Owner: Daniel J. Schmidt and Cheryl A. Schmidt
17491 Olinda Trail North
Marine on St. Croix, MN 55047

November 18, 1997

Mortgagee: Norwest Mortgage, Inc.
3200 Robbins Road
Springfield, IL. 62704

Acquisition 0.16 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.19 Acres of New Right of Way (to be acquired in highway easement)
0.039 Acres of Permanent Drainage Easement
0.212 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 2 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3.
Said parcel no. 2 is within the NW¼ of the SE¼ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Permanent Drainage Easement:

A Permanent Drainage Easement on a Portion of the Following Described Property:

The North 330 feet of the West 660 feet of the N½ of the NW¼ of the SE¼ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Drainage Easement is Described as Follows:

Commencing at Boundary Marker B133 as shown on Washington County Highway Right of Way Plat No. 119, as recorded in the Washington County Recorder's Office, thence southerly along the easterly right of way of County State Aid Highway 3, a distance of 246 feet to the point of beginning; thence continuing southerly along said easterly right of way, a distance of 32.808 feet; thence easterly perpendicular to said easterly right of way, a distance of 52.50 feet; thence northerly and parallel to said easterly right of way line, to a point that is easterly of and perpendicular to the point of beginning; thence westerly to the point of beginning.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

The North 330 feet of the West 660 feet of the N½ of the NW¼ of the SE¼ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 12 meters (39.37 feet) in width between and right of the south line of the above described property and Engineer's Station 1+915; and

Not to exceed 12 meters (39.37 feet) in width between and right of Engineer's Stations 1+925 and 1+940; and

Not to exceed 8 meters (26.25 feet) in width between and right of Engineer's Stations 1+940 and the north line of the above described property.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

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PARCEL 4, R/W PLAT 119:

Fee Owner: Dale R. Anderson and Nancy J. Anderson
17319 Olinda Trail North
Marine on St. Croix, MN 55047

Mortgagee: First Bank South Dakota
141 North Main
Sioux Falls, South Dakota

Acquisition 0.19 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.08 Acres of New Right of Way (to be acquired in highway easement)

Legal Description of R/W Acquisition:

Parcel No. 4 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3. Said parcel no. 4 is within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

PARCEL 5, R/W PLAT 119:

Fee Owner: Lester Lawrence Rydeen and Ethel M. Rydeen
13528 - 170th Street North
Marine on St. Croix, MN 55047

Mortgagee: None

Acquisition 1.22 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 1.90 Acres of New Right of Way (to be acquired in highway easement)
0.375 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 5 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3. Said parcel no. 5 is within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:A Temporary Slope Easement on a Portion of the Following Property:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3, lying westerly of County State Aid Highway 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Said Temporary Slope Easement described as follows:

Not to exceed 4 meters (13.12 feet) in width between and left of the south line of the above described property and Engineer's Station 1+180; and

Not to exceed 8 meters (26.25 feet) in width between and left of Engineer's Stations 1+260 and 1+280; and

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Stations 1+280 and 1+290; and

Not to exceed 6 meters (19.69 feet) in width between and left of Engineer's Stations 1+420 and 1+480; and

Not to exceed 8 meters (26.25 feet) in width between and left of Engineer's Stations 1+480 and 1+520; and

Not to exceed 6 meters (19.69 feet) in width between and left of Engineer's Stations 1+520 and 1+560; and

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Not to exceed 8 meters (26.25 feet) in width between and left of Engineer's Stations 1+560 and 1+570; and

Not to exceed 10 meters (32.81 feet) in width between and left of Engineer's Station 1+570 and the north line of the above described property.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCEL 6, R/W PLAT 119:

Fee Owner: Estate of Mildred Peterson
Lawrence Peterson, Personal Representative
16550 - 154th Street North
Marine on St. Croix, MN 55047

Mortgagee: Robert P. Peterson
17185 Olinda Trail North
Marine on St. Croix, MN 55047

Acquisition 0.32 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.06 Acres of New Right of Way (to be acquired in highway easement)

Legal Description of R/W Acquisition:

Parcel No. 6 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3. Said parcel no. 6 is within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

PARCEL 7, R/W PLAT 119:

Fee Owner: Mildred L. Krebsbach
17125 Olinda Trail North
Marine on St. Croix, MN 55047

Eugene Krebsbach, Jr. and Patricia Moran (husband and wife)
8712 Open Road
Bozeman, Montana 59715

Mortgagee: None

Acquisition 0.10 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.01 Acres of New Right of Way (to be acquired in highway easement)

Legal Description of R/W Acquisition:

Parcel No. 7 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3. Said parcel no. 7 is within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

PARCEL 9, R/W PLAT 119:

Fee Owner: DeAnn M. Thode
17085 Olinda Trail North
Marine on St. Croix, MN 55047

Mortgagee: GMAC Mortgage Corporation of PA
8360 Old York Road
Elkins Park, PA 19117-1590

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Security State Bank of Marine
120 Judd Street
Marine on St. Croix, MN 55047

Acquisition 0.22 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.07 Acres of New Right of Way (to be acquired in highway easement)
0.21 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 9 of Washington County Highway Right of Way Plat No. 119 - C.S.A.H. 3. Said parcel no. 9 is within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

That part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Township 31 North, Range 20 West, Washington County, Minnesota, described in document 790599, in the Washington County Recorder's Office.

Said Temporary Slope Easement described as follows:

Not to exceed 8 meters (26.25 feet) in width between and right of the south line of the above described property and Engineer's Station 1+290.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCEL 1, R/W PLAT 120:

Fee Owner: Dennis L. Thode and Bonita M. Thode
13726 - 170th Street North
Marine on St. Croix, MN 55047

Mortgagee: Security State Bank of Marine
120 Judd Street
Marine on St. Croix, MN 55047

Acquisition 0.34 Acres of Existing Right of Way (to be acquired in highway easement)
Summary: 0.49 Acres of New Right of Way (to be acquired in highway easement)
0.21 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 1 of Washington County Highway Right of Way Plat No. 120 - C.S.A.H. 3. Said parcel no. 1 is within the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

That part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 31 North, Range 20 West, Washington County, Minnesota, lying North of County State Aid Highway 4 and East of County State Aid Highway 3.

Said Temporary Slope Easement described as follows:

Not to exceed 2 meters (6.56 feet) in width between and right of Engineer's Stations 1+120 and 1+170; and

Not to exceed 8 meters (26.25 feet) in width between and right of Engineer's Station 1+170 and the north line of the above described property.

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Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

PARCEL 2, R/W PLAT 120:

Fee Owner: Lester Lawrence Rydeen and Ethel M. Rydeen
13528 - 170th Street North
Marine on St. Croix, MN 55047

Mortgagee: Security State Bank of Marine
120 Judd Street
Marine on St. Croix, MN 55047

Acquisition Summary: 0.35 Acres of Existing Right of Way (to be acquired in highway easement)
0.18 Acres of New Right of Way (to be acquired in highway easement)
0.029 Acres of Temporary Slope Easement
(to begin April 1, 1998 and expire October 31, 2000)

Legal Description of R/W Acquisition:

Parcel No. 2 of Washington County Highway Right of Way Plat No. 120 - C.S.A.H. 3.
Said parcel no. 2 is within the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 31 North, Range 20 West, Washington County, Minnesota.

Legal Description of Temporary Slope Easement:

A Temporary Slope Easement on a Portion of the Following Property:

That part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 31 North, Range 20 West, Washington County, Minnesota, lying North of County State Aid Highway 4 and West of County State Aid Highway 3.

Said Temporary Slope Easement described as follows:

Not to exceed 4 meters (13.12 feet) in width between and left of Engineer's Station 1+140 and the north line of the above described property.

Said slope easement lies adjacent to County State Aid Highway 3 right of way.

Said slope easement shall begin April 1, 1998 and expire October 31, 2000.

15. Adoption of **Resolution No. 97-151** as follows:

Final Payment to Lund Martin Construction, Inc.
For Courts Remodeling Project

WHEREAS, the Washington County Board of Commissioners, on April 16, 1996, approved a contract with Lund Martin Construction, Inc. for the Courts Remodeling project at the Government Center; and

WHEREAS, Lund Martin Construction, Inc., has satisfactorily completed all work in accordance with the terms and conditions of the contract.

NOW, THEREFORE BE IT RESOLVED, that Lund Martin Construction, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

16. Approval of amendment no. 1 to the contract with SRF Consulting, Inc. in the amount of \$38,515 for the Manning Avenue Corridor Study.

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17. Adoption of **Resolution No. 97-152** as follows:

Final Payment to Electronic Design Company for
Installation of a Security System, Courts Remodeling Project

WHEREAS, the Washington County Board of Commissioners, on August 13, 1996 approved a contract with Electronic Design Company for provision and installation of a Security System within the scope of the Courts Remodeling project; and

WHEREAS, Electronic Design Company, has satisfactorily completed all work in accordance with the terms and conditions of the contract.

NOW, THEREFORE BE IT RESOLVED, that Electronic Design Company be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

18. Approval of grant agreement for \$75,000 between U.S. Department of Justice and Washington County in conjunction with the Cities of Afton, Lakeland, Lakeland Shores, St. Mary's Point and Lake St. Croix Beach to hire one deputy for a three-year period.

The foregoing Consent Calendar was adopted unanimously.

**PUBLIC HEARING - DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND
MANAGEMENT**

Amendments to the Solid Waste Management Ordinance #114

The Board Chair presented an overview of today's public hearing to consider amendments to Section 13, Service Charge, of the Solid Waste Management Ordinance #114.

The Secretary to the Board read into the record the notice of public hearing. The Board Chair declared the public hearing open at 9:10 a.m.

Judy Arends, Manager of Solid and Hazardous Waste, H.E.L.M. Department, presented the proposed changes to Section 13, Service Charge, of the Solid Waste Management Ordinance #114. The proposed changes include increasing the solid waste management service charge for properties defined as residential properties with a building value over \$20,000 from \$36.00 per parcel to \$38.00 per parcel. She indicated that residential property would now include mobile homes which are charged \$38.00 per improved parcel.

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Ms. Arends indicated that the other change was an increase of the solid waste management service charge for all non-residential parcels. Five categories have been established for non-residential property, which previously paid a flat rate of \$84.00 per parcel. Category I - building values \$20,000 - \$100,000 will pay \$100; Category II - building values \$100,000 - \$250,000 will pay \$200; Category III - building values \$250,000 - \$500,000 will pay \$300; Category IV - \$500,000 - \$1,000,000 will pay \$400; and Category V - \$1,000,000 or more will pay \$500.

Ms. Arends stated that one change that was not made this year was to apartments. An apartment building based on its value will be charged according to the category that applies to them. She indicated that other counties with solid waste management fees also charge the individual apartment unit that generates the waste. They have not incorporated that at this time because that will take more work.

Commissioner Abrahamson asked how many non-residential buildings there were in each category? Ms. Arends provided the following information based on figures obtained as of October 9, 1997: Category I - 878; Category II - 595; Category III - 233; Category IV - 186; and Category V - 289. Total parcels for all categories is 2,181.

Commissioner Hauser feels that the tax should be levied against the property owner of the mobile home park on the basis of the number of improved lots at \$38.00. She thinks apartments should be looked at in the same way.

Commissioner Engstrom agreed with Commissioner Hauser in that the property owner should be taxed. He stated that mobile homes are currently not paying any solid waste management charge. He could agree to a phase in, but to have a significant increase in these taxes would be hard on some mobile home owners who currently are paying \$100 to \$150 in taxes. He suggested a phase-in period of three years for the mobile homes. On apartment structures he believes the County needs to go on a per unit basis.

Commissioner Hegberg asked if there was a logistics problem with initiating charging apartments per unit by January 1, 1998? Ms. Arends indicated that there would be a problem with matching the number of units to the apartment. Additional work needs to be done on that.

Commissioner Hegberg asked if mobile home parks contract with garbage haulers for the whole community? Ms. Arends believes that each area might be different, but for many it is a one pickup per area, for others it might be separate.

Commissioner Engstrom stated there may be a timing problem trying to get the apartments assessed on a per unit basis. He suggested that the Board move ahead with the proposal before them today and that

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next year the apartment per unit be reviewed. He would also like to change the ordinance to phase-in all mobile homes on a one-third or \$13 per year until they equal the other waste management service charges.

Commissioner Abrahamson stated he has real problems with charging individual apartment units. He believes a lot of people living in these apartments are low income, single persons and the elderly, who could not afford the \$38 service charge. He feels that the people living in apartments do not generate the kind of waste that an individual home or even a mobile home generates.

Commissioner Hauser stated the proposal is to assess each mobile home owner. Her suggestion is to assess it as other residences are and that is against the land. She believes that the mobile home park owner would receive the assessment, which they would pass through to the mobile home occupant.

Commissioner Peterson asked for comments from the audience.

Richard Stafford, Auditor-Treasurer, is concerned about Commissioner Hauser's suggestion that the fee be levied against the parcel of land rather than the mobile home owner and that this may open Pandora's box. If the fee is placed against the vacant land, then you have to distinguish between that vacant land as opposed to all vacant land in Washington County. If the fee is only placed against vacant parcels occupied by a manufactured home, that's a step in the right direction but then the camp grounds where the homes come and go for the weekends may cause problems. He feels this might be a very good way to solve the problem, but he does not believe it will be solved between now and the time this ordinance needs to be passed and the fee levied by the end of the year.

Commissioner Hauser feels it is important to levy taxes against people who generate garbage and it's on the basis of where they live. She would appreciate it if that is looked at and knows it may not be possible to do it in a timely fashion, but perhaps it can be amended in the future.

The Board Chair asked for further comments from the audience; none were heard. She asked if the Board secretary had all the documentary evidence. The Board secretary indicated she did.

Commissioner Hegberg moved to close the public hearing. Commissioner Engstrom seconded the motion and it was adopted unanimously. The public hearing was closed at 9:40 a.m.

Commissioner Hegberg suggested to delete the mobile home portion and consider it next year when charging apartments per unit is discussed.

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Commissioner Hegberg moved to adopt the amendments to Solid Waste Management Ordinance No. 114, Section 13, Service Charge, and amend 13.3.1 by deleting the following sentence: "The rate of the solid waste management service charge for personal property mobile homes shall be \$38.00 per improved parcel." Commissioner Engstrom seconded the motion.

Commissioner Engstrom stated there needs to be some equity in these service charge fees, and this is a big step in the right direction in changing the other parts of the system. He also believes it would be a huge increase for the mobile home owners and the park owners are going to end up paying a sum of money.

Commissioner Engstrom moved to amend the motion by keeping the mobile homes in the ordinance, but phase-in the solid waste management fees for mobile homes with a first year rate of \$13. Commissioner Hauser seconded the motion and it was adopted 4-1 with the vote as follows: Yes, Commissioners Hegberg, Peterson, Hauser and Engstrom; No, Commissioner Abrahamson.

The motion to adopt amendments to the Solid Waste Management Ordinance No. 114, Section 13, Service Charge, and amend 13.3.1 to phase-in the solid waste management fees for mobile homes with a first year rate of \$13 was adopted 4-1 with the vote as follows: Yes, Commissioners Hegberg, Peterson, Hauser and Engstrom; No, Commissioner Abrahamson.

Commissioner Abrahamson stated that the Board did away with the \$38 for the mobile homes, evidently they don't generate waste as compared to an apartment dweller. He believes that's baloney.

Commissioner Hauser stated that mobile home owners are going to be assessed \$13. The apartments units are not being charged anything.

Commissioner Abrahamson stated the problem he has is that people living in apartment complexes or even in residential homes have to pay the rate. He does not feel the elderly living in apartment complexes generate the same amount of waste that is found in the mobile home parks.

Commissioner Peterson stated it was her understanding that apartments are still classified as commercial and that a per unit cost would not be looked at until sometime next year.

Commissioner Abrahamson stated that is the reason he is opposed to it. There is an indication that Commissioner Hauser wants to explore that next year.

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Commissioner Hauser stated that has nothing to do with what they are doing today. The mobile homes fees are being phased in. Direction was given to staff to take a look at apartments in the next year.

Resolution No. 97-153 as follows:

**Resolution Authorizing Amendments to the
Solid Waste Management Ordinance No. 114**

WHEREAS, the Waste Management Act, which imposes various mandates upon counties was created out of concern for the protection of water, air and land resources, as well as protection of public health; and

WHEREAS, pursuant to State law Washington County has adopted and received Metropolitan Council approval for its Solid Waste Master Plan, which acknowledges the State's preferential order for waste management, and which plans for the implementation of an integrated waste management system in order to protect public health and the environment; and

WHEREAS, in order to discharge the mandate imposed upon counties by the Minnesota Waste Management act to manage mixed municipal solid waste in a more environmentally sound manner than land disposal, Washington County provides or contracts with others to provide various solid waste disposal service for residents; and

WHEREAS, the Washington County Board of Commissioners adopted the Washington County Solid Waste Management Ordinance #114 on May 23, 1995; and

WHEREAS, 1984 Minnesota Laws Chapter 644, Section 80, Minnesota Statutes Sc400.08 and Sc473.811 Subd 3a, authorizes Washington County to establish and collect a service charge for the solid waste management services provided by the County or by others under contract with Washington County.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners adopts the attached amendments to the Washington County Solid Waste Ordinance to be effective January 1, 1998, said amendments establish the rates and charges for the solid waste management service charge and method of collection.

**Amendment to Solid Waste Management Ordinance #114
Ordinance No. 130**

13.0 Services Charge

- 13.1 Purpose and Authority: Pursuant to Laws 1984, Chapter 644, Section 80, and Minn. Stat. Sections 400.08, 473.811, Subd. 3A, the County hereby imposes on all owners, lessees or occupants of property, including properties owned, leased or used by the State or a political subdivision of the State a service charge for solid waste management services provided to their properties by the County or by those under contract with the County.

- 13.2 Definitions: For the purpose of this section, the terms used herein shall have the following meaning unless the context clearly indicates otherwise.
- 13.2.1 **Residential Property** is all improved property classified as residential class by the County Assessor including personal property mobile homes.
- 13.2.2 **Non-Residential Property** is all improved property in Washington County classified by the County Assessor as commercial, industrial, utility, tax exempt or a dwelling of four or more units.
- 13.3 Rates and Charges: Rates and charges imposed may take into account the character, kind and quality of the service and of the solid waste; the method of disposition including but not limited to activities such as recycling, composting, co-composting, resource recovery, the number of people served at each place of collection, and all other factors that enter into the cost of service, including but not limited to depreciation and payment of principal and interest on money borrowed by the County for the acquisition or betterment of solid waste facilities, the establishment of a reserve fund for payments of a fee to the Facility vendor for services to be provided at the Facility, and administrative costs associated with providing waste management services to County residents; and specifically may take into account as an additional cost of service, the amount of waste estimated to be generated by different classifications of solid waste generators, as determined by the County.
- 13.3.1 The rate of the solid waste management service charge for personal property mobile homes shall be ~~\$13.00~~ per improved parcel. The rate of the solid waste management service charge for all other Residential property with a building value over \$20,000.00 shall be \$38.00 per improved parcel.
- 13.3.2 The rate of the solid waste management service charge for Non-residential property shall be as follows:
- | | |
|---------------------------------------|---|
| Category I Non-Residential Property | The solid waste management service charge shall be \$100.00 for each parcel with an estimated building value, as determined by the County Assessor, of \$20,000 but less than \$100,000. |
| Category II Non-Residential Property | The solid waste management service charge shall be \$200.00 for each parcel with an estimated building value, as determined by the County Assessor, of \$100,000 but less than \$250,000. |
| Category III Non-Residential Property | The solid waste management service charge shall be \$300.00 for each parcel with an estimated building value, as determined by the County Assessor, of \$250,000 but less than \$500,000. |

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Category IV Non-Residential Property The solid waste management service charge shall be \$400.00 for each parcel with an estimated building value, as determined by the County Assessor, of \$500,000 but less than \$1,000,000.

Category V Non-Residential Property The solid waste management service charge shall be \$500.00 for each parcel with an estimated building value, as determined by the County Assessor, of \$1,000,000 or more.

13.3.3 The owner of a parcel of property classified as both residential and non-residential property shall pay solid waste management charges pursuant to both sections 13.3.1 and 13.3.2.

13.4.1 Service charges shall be billed directly to every owner of property through the County property tax statements as a separate item and shall be due, payable and collected in the same manner as property taxes subject to the same penalties and interest as overdue property taxes. In such instances, no charge shall become payable in any year unless first certified by the County Board to the County Auditor in the year prior to its being payable.

13.5. Unpaid Charges

13.5.1 Taxable Properties: On or before October 15 in each year, the County Board may certify to the County Auditor all unpaid outstanding charges for services hereunder, and a statement of the description of the lands which were serviced and against the charges arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest of six percent upon the tax rolls of the County of the taxes of the year in which the assessment is filed.

For each year ending October 15 the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state.

13.5.2 Tax-Exempt Properties: Unpaid charges may be collected as otherwise provided in Section 13 of this ordinance.

13.5.3 Civil Action: In addition to each and every other remedy available to the County, unpaid solid waste management charges, penalties and interest may be recovered in a civil action against a property owner, lessee or occupant.

13.6 Administrative Appeal

13.6.1 A person assessed a service charge may appeal the amount of the charge billed to the Department by requesting in writing an adjustment to the charge. If the Department denies the request for adjustment, the person may appeal the decision to the County Board.

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- 13.7 Effective Date: The rates and manner of collection established herein shall be effective on January 1, 1998.

Identification of Market Price for Purposes of the Solid Waste Management Tax

Commissioner Hauser moved to adopt **Resolution No. 97-154** as follows:

Authorize the Identification of Market Price for
Purposes of the Solid Waste Management Tax

WHEREAS, the 1997 Minnesota Legislature enacted a bill eliminating both the SCORE sales tax and the Solid Waste Generator Assessment, replacing them with a single Solid Waste Management Tax, MN Statutes Chapter 297H beginning in 1998; and

WHEREAS, for purposes of determining if political subdivisions owe this tax and how much tax is owed, this new law requires political subdivisions that subsidize tipping fees at solid waste management facilities to identify the "market price" for solid waste management services, which is defined as "the lowest price available in the area assuming transactions between separate parties that are willing buyers and willing sellers in a market"; and

WHEREAS, this new law requires political subdivisions to identify the "market price" and submit their findings to the Minnesota Office of Environmental Assistance by October 1 of each year; and

WHEREAS, Ramsey County, Washington County and Ramsey/Washington County Resource Recovery Project staff have worked cooperatively to identify the market price for Ramsey and Washington Counties.

NOW, THEREFORE, BE IT RESOLVED, the Washington County Board of Commissioners hereby authorizes identification of \$29.00 per ton as the "market price" for purposes of the Solid Waste Management Tax, which reflects a waste disposal tipping fee of \$23.00 per ton at the Pine Bend Landfill plus an estimated transportation cost of \$6.00 per ton, and authorizes submittal of this "market price" and supporting documentation to the Minnesota Office of Environmental Assistance.

Commissioner Engstrom seconded the motion and it was adopted unanimously.

HUMAN RESOURCES DEPARTMENT

Commissioner Hauser moved to approve the revised County Smoking Policy as follows:

Element 1: Main entrances of the following County facilities be designated as non-smoking areas:

- a. North, South and West (main and entrance outside of cafeteria) entrances in the Government Center

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- b. North entrance to LEC
- c. Main entrances at North and South Highway Garages
- d. Main entrances at all County Libraries
- e. West Entrance of Cottage Grove facility
- f. Main entrances at all County Park Offices
- *g. East Entrance (balcony)
- *h. South lower level entrance (from Administrative parking area)

*These areas will be enforced after designated area is made ready.

Element 2: Provide a designated outside smoking area for employees at the government center using the old jail exercise area on the east side with a cost not to exceed \$5,000.

Element 3: Smoking in vehicles policy be modified to allow a decision by each affected department head based on the business needs of the department.

Element 4: No outside smoking areas will be marked for public use.

Commissioner Engstrom seconded the motion and it was adopted unanimously.

COMMUNITY SERVICES DEPARTMENT

Commissioner Abrahamson moved to authorize the Community Social Services Department to submit a proposal to the Minnesota Department of Human Services to provide Minnesota Care program outreach services. Commissioner Engstrom seconded the motion and it was adopted unanimously.

GENERAL ADMINISTRATION

Association of Minnesota Counties Delegate List

Commissioner Hauser moved to approve the AMC Official Delegate List as follows: Commissioners Wally Abrahamson, Dennis C. Hegberg, Myra Peterson, Mary Hauser and Dave Engstrom; James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; and Russ Reetz, Court Services Director. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Workshop/Tour on Shoreland Management Ordinance

James Schug, County Administrator noted that the workshop/tour scheduled for next week to look at proposed modifications to the Shoreland Management Ordinance has been changed to viewing a video tape on the proposed changes. If time permits, a tour will be scheduled for sometime in the future.

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Municipal Board Hearing on Annexation Petition by the City of Oak Park Heights

Mr. Schug indicated that there has been some discussion on whether or not the Municipal Board will be hearing a petition for the City of Oak Park Heights to annex certain land from Bayport Township which is scheduled to take place on November 24. He will try to confirm that during the recess.

Commissioner Peterson indicated she did have a conflict with that date.

Commissioner Engstrom moved to appoint Commissioner Hegberg as an alternate to the Municipal Board Hearing on an annexation petition by the City of Oak Park Heights. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Mr. Schug indicated that Jane Harper, Principal Planner, will be available for that hearing to answer questions on the Washington County Comprehensive Plan as it relates to the area proposed for annexation.

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Hegberg reported on a meeting he attended with the school district and City of Forest Lake concerning the Forest Lake Library. The Forest Lake Library Board will be asking the City of Forest Lake for a new building which may be twice the size of the current building. He asked Liz Templin, Minnesota Extension, for an approximate cost of a study to look at combining a library in a school facility. He was guessing the study would cost about \$5,000, but it would probably cost around \$17,000. He asked staff to look out for grants which may come up to do this study.

Commissioner Peterson suggested bringing this matter up at a MELSA meeting for review.

Commissioner Hauser stated that partnering with libraries is something the Board should look at whether it's with a specific partner or general partner, especially as the County goes forward with what might happen with the Woodbury Library where the County may partner with the City.

Commissioner Engstrom brought up the state highway aid apportionment for Washington County and it is significant. He congratulated Public Works on their good work.

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Commissioner Engstrom stated that the Landfall bond sell went through smoothly and interests rates were significantly less than what anybody thought they would be.

Commissioner Engstrom brought up the issue of the stop sign at County Road 71 and Neal. He is continuing to get many phone calls in support of his side of the issue trying to make that a four-way stop. He has been receiving reports of near misses and gravel trucks that are exceeding the speed limit. He would like to revisit that issue, whether it means revisiting the warrants for a four-way stop and looking at the type of traffic, not only the traffic count. He'll continue to bring this up under Commissioner reports until something is done.

Commissioner Hauser reported that this weekend the Historic Courthouse will host its annual Christmas in the Courthouse. The fund raiser is Friday night, and Saturday and Sunday there will be displays, music and crafts for all to enjoy.

Commissioner Peterson presented a follow up to the deed stamp issue. She indicated that minor subdivisions in the townships now require a development agreement which specifies how many housing units can be developed on a particular property. A new stamp is being developed to track this density. This stamp is in addition to the stamp used by the townships in approving a minor subdivision. No new fee is being charged for this additional stamp at this time.

Commissioner Peterson reported on the use of a transporter in the southern part of the County. She reported there were approximately 500 rides per day and for September and October and the average daily rides were 681 and 677 respectively.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Engstrom moved to adjourn, seconded by Commissioner Hauser and it was adopted unanimously. The Board meeting adjourned at 10:45 a.m.

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BOARD WORKSHOP WITH COMMUNITY SERVICES DEPARTMENT

The Board met in workshop session with the Community Services Department to discuss out-of-home placements. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Sue Tice, Dan Papin, Rick Backman, Carol Seefeldt, Kathy Smith, Sally Borich, Mark Kuppe, and Eileen Weber, Citizen from Cottage Grove.

BOARD WORKSHOP WITH PUBLIC WORKS DEPARTMENT

The Board met in workshop session with the Public Works Department to discuss the Manning Avenue Corridor EAW. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Don Wisniewski, Don Theisen, Sandy Cullen, Charleen Zimmer, SRF Consultant, Randy Geerdes, SRF Consultant, and Eileen Weber, Citizen from Cottage Grove.

BOARD WORKSHOP WITH OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss the 1998 Legislative agenda. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Robert Lockyear, Susan Ladwig, Jane Harper, Don Wisniewski, Dan Papin, Richard Stafford, Mary McGlothlin and Eileen Weber, Citizen from Cottage Grove.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
NOVEMBER 25, 1997**

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 Abrahamson, Peterson and Hauser. Commissioners Hegberg and Engstrom absent. Board Chair Peterson presided. Also present were James Schug, County Administrator; Richard Arney, County Attorney; Jack Perkovich, Deputy Public Works Director; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, HELM Manager; Judy Arends, HELM Manager; Dan Papin, Community Services Director; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Hauser to adopt the following Consent Calendar:

1. Adoption of **Resolution No. 97-155** as follows:

South Washington Watershed District
Loan (Advance) Extension

WHEREAS, Washington County has advanced \$200,000 to South Washington Watershed District pursuant to MS 103D.335 (2) and subd. 17, on a draw-down basis at the Interest Rates on State Court Judgments and Arbitration Awards (MS. 549.09), and Washington County Board Resolution 97-012, January 21, 1997.

WHEREAS, the District had originally requested a payment of the advance to the County out of the tax levy payments that will be received in December 1997, July 1998, and December 1998.

WHEREAS, the District has formally requested the extension of the \$200,000 advance to be spread over four years.

WHEREAS, the Washington County Finance Committee has reviewed this request and is recommending approval of the repayment schedule asked by the District as follows: July 5 and December 5, 1998, July 5 and December 5, 1999, July 5 and December 5, 2000, and July 5 and December 5, 2001, and the interest from the date of advancement.

NOW THEREFORE BE IT RESOLVED, that the County Board authorize the new repayment schedule for the principal advanced to the District in the following manner: \$25,000 of principal plus interest on July 5 and December 5 of years 1998, 1999, 2000 and 2001.

BE IT FURTHER RESOLVED, that the County Board Chair and County Administrator be authorized to sign the appropriate repayment agreement.

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2. Approval of **Resolution No. 97-156** as follows:

Repurchase of Tax Forfeited Land by
H. & Val J. Rothschild, Inc.

WHEREAS, H. & Val J. Rothschild, Inc. the Former Owner has made and filed an application with the County Auditor for the repurchase of the hereinafter described parcel of tax forfeited land, in accordance with the provisions of Minnesota Statutes 1945, Section 282.241, of amended, which land is situated in the County of Washington, Minnesota, and described as follows, to-wit:

Plat/parcel #57220-2275/Geocode #30-029-21-31-0015

Lot 12, Block 1
Charter Oaks

;and WHEREAS, said applicant has set forth in his application that the loss of this lot will render an adjoining parcel useless: That this lot is part of a planned unit development and its sale to outside interests would threaten the architectural harmony of the neighborhood: That the repurchase of said lot will put the parcel back on tax roll and continue to generate taxes.

;and WHEREAS, this Board is of the opinion that said application should be granted for such reasons.

NOW THEREFORE BE IT RESOLVED, that the application of H. & Val J. Rothschild Inc. for the purchase of the above described parcel of tax forfeited land be and the same is hereby granted and the County Auditor is hereby authorized and directed to permit such repurchase according to the provisions of Minnesota Statutes 1945, section 282.241, as amended.

3. Adoption of the following resolutions:

Resolution No. 97-157

1998 - 1999 Community Health Services Plan Update

WHEREAS, Washington County, in compliance with Minnesota Statute Chapter 145A., has developed its 1998-1999 Community Health Services Plan Update; and

WHEREAS, the Washington County Board of Health through its Public Health Advisory Committee held a public meeting on the recommended plan on September 23, 1997; and

WHEREAS, the Washington County Board of Health received the final recommended plan from its Public Health Advisory Committee on October 21, 1997.

NOW, THEREFORE, BE IT RESOLVED that the 1998-1999 Community Health Services Plan Update is today adopted in its final form.

November 25, 1997

Resolution No. 97-158

Designation of Agent

WHEREAS, Minnesota Statutes 145A.04, Subd. 2 requires that "a board of health must appoint, employ, or contract with a person or persons to act on its behalf"; and

WHEREAS, Minnesota Statutes 145A.04, Subd. 2 further requires that "the Board shall notify the commissioner (of health) of the agent's name, address, and phone number where the agent may be reached between board meetings and submit a copy of the resolution authorizing the agent to act on the board's behalf."

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Health hereby designates Mary McGlothlin, Director of the Department of Health, Environment and Land Management, 14900 61st Street North, P.O. Box 3803, Stillwater, MN 55082-3803, (612) 430-6655 as its duly appointed agent and gives to her the duties and authorities described in Minnesota Statute Chapter 145A.

Resolution No. 97-159

Community Health Board

The Community Health Board ("Board") by virtue of its authority under Minnesota Statutes, Chapter 145A, in accordance with the Board's articles and bylaws, and by this Resolution of the Board adopted at a scheduled meeting held on November 25, 1997, hereby appoints and authorizes the following persons(s) to act on the Board's behalf and bind the Board for the following purpose(s):

- A. To serve as the Board's agent in communicating with the Commissioner of Health between Board meetings, including receiving information from the Commissioner and disseminating that information to the Board, as well as providing information to the Commissioner on the Board's behalf (Minn. Stat. 145A, Subd. 2).

Name: Mary McGlothlin
 Address: 14900 61st Street North, P.O. Box 3803
 Stillwater, MN 55082-3803
 Phone Number: (612) 430-6655

- B. To sign and submit to the Commissioner the prepared Community Health Plan, revisions to the Plan and activity reports submitted according to Minn. Stat. 145A.10, Subdivisions 5, 6 and 8.

Name: Mary McGlothlin
 Address: 14900 61st Street North, P.O. Box 3803
 Stillwater, MN 55082-3803
 Phone Number: (612) 430-6655

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- C. To sign and submit to the Commissioner the Board's annual budget, revisions to the budget, and expenditure reports submitted according to Minn. Stat. 145A.10, Subd. 6 and 8.

Name: Mary McGlothlin
 Address: 14900 61st Street North, P.O. Box 3803
 Stillwater, MN 55082-3803
 Phone Number: (612) 430-6655

- D. To sign and submit on behalf of the Board the application for formula Maternal and Child Health funds which are administered by the Commissioner of Health (Minn. Stat. Sec. 145.882, Subd. 3, 4 and 7).

Name: Mary McGlothlin
 Address: 14900 61st Street North, P.O. Box 3803
 Stillwater, MN 55082-3803
 Phone Number: (612) 430-6655

- E. To sign and execute on behalf of the Board contracts for funding under any of the following grants administered by the Commissioner of Health:

- Supplemental Food Program for Women, Infants, and Children (WIC)
- Family Planning (Minn. Stat. Sec. 145.925)
- Migrant Health (Minn. Stat. 145A.14, Subd. 1)
- Indian Health (Minn. Stat. 145A.14, Subd. 2)
- AIDS Prevention and Risk Reduction
- Chronic Disease
- Health Communities
- Refugee Health
- Home Visiting

(Note: Under Minn. Stat. 145A.03, Subd. 4, the Chair of the Community Health Board or the Vice Chair in the Chair's absence must sign contracts or authorize an agent to sign on behalf of the Board. If the Chair of the Community Health Board will be signing all contracts, no other agent need be authorized by resolution to sign contracts. If you want to appoint different agents for individual grants, please list them separately by grant.)

4. Approval to confirm policy discussed at a Board workshop on February 7, 1995 to acquire future properties located south of the Government Center and Law Enforcement Center from willing sellers.
5. Adoption of **Resolution No. 97-160** as follows:

Acquire the Kelly Property Located at
 14954 - 60th Street North in Oak Park Heights

WHEREAS, Washington County is interested in acquiring the property located at 14954 North 60th Street in Oak Park Heights, and whereas the owners agree to sell the property.

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NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes 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 located at 14954 North 60th Street, legally described as follows:

SEE ADDENDUM NO. 1 - LEGAL DESCRIPTION

for the sum of \$125,000.00 in total, upon the following terms and conditions:

1. Conveyance should be by warranty deed pursuant to the terms and conditions of a standard Miller-Davis Purchase Agreement free and clear of all liens, charges and encumbrances;
2. Seller to pay all levied or pending special assessments (if any);
3. Seller to pay abstract expenses;
4. Real Estate taxes shall be pro rated as of the date of closing;
5. Buyer to pay recording fee(s), state deed tax, and conservation fee;
6. Closing is to be on or before January 9, 1998, or as soon as possible after that date. The closing shall be handled through the Washington County Attorney's Office.
7. Ownership of the house shall transfer to Washington County as of the date of closing, but sellers may stay in the house until January 18, 1998 at which time sellers must vacate house. However, the sellers have the first option to rent the property for their personal use after January 18, 1998. By December 1, 1997, sellers must notify County's Property Acquisition Specialist whether they plan to vacate the house by January 18, 1998 or whether they will enter into a lease agreement with the County to rent the property. Should the sellers enter into a lease agreement with the County, the rental rate shall be set at market rate as determined by the County.
8. Sellers shall be obligated to perform all maintenance in order to keep the property in a reasonable repair until they vacate the property, normal wear and tear excepted.
9. The sellers shall be obligated to pay all utilities, including fuel oil, propane gas, natural gas, electricity, city water, telephone, city sewer, and garbage hauling, in a timely manner, while they are in possession of the property.
10. The sellers shall remove all personal possessions and debris from both the house and yard prior to vacating the property. The house and yard shall be of reasonable cleanliness at the time the County possesses the property.
11. This sale is contingent upon the sellers waiving all relocation benefits and signing a relocation waiver.
12. The sale is subject to a satisfactory environmental inspection by Washington County.

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13. Sellers shall remove from the property the child's swingset and sandbox in the yard. Sellers shall also remove deepfreeze, washer and dryer. The refrigerator, stove, trash compactor, and dishwasher shall remain with the property.

ADDENDA 1

KELLY PROPERTY LEGAL DESCRIPTION

That part of Lots 26, 27, and 28, Block 5, McMillan & Cooley's Addition to Oak Park, described as follows: Commencing at the SE corner of said Block 5 of McMillan & Cooley's Addition to Oak Park; thence West along the South line of said Block 5 for 100 feet; thence North and parallel with the East line of said Block 5 for 70 feet to the point of beginning of this description; thence North and parallel with the East line of Block 5 a distance of 15 feet; thence West parallel with the South line of said Block 5 a distance of 100 feet; thence South and parallel with the East line of said Block 5 a distance of 15 feet; thence East and parallel with the South line of said Block 5 a distance of 100 feet to the point of beginning.

and

Commencing at a point on the North line of Block 8 of McMillan & Cooley's Addition, 100 feet West of the West line of Hazel Street of said McMillan & Cooley's Addition, said North line of Block 8 being the South line of vacated Wallace Street; thence North and parallel to the West line of Hazel Street 130 feet to an iron stake; thence West and parallel to the North line of said Block 8, 100 feet to an iron stake; thence South and parallel to the East line of said tract, 130 feet to an iron stake on the North line of said Block 8; thence East along said North line of Block 8, 100 feet to an iron stake and the place of beginning.

Together with the right of ingress to and egress from a 30 foot alleyway between Hazel Street and Birch Street, described as follows: Beginning at the NW corner of Block 5 of McMillan & Cooley's Addition to Oak Park; thence South 155 feet along the East line of Birch Street to the point of beginning of this description; thence East across Block 5 to the West line of Hazel Street; thence South along the West line of Hazel Street 30 feet; thence West across Block 5 to the East line of Birch Street; thence North 30 feet to the point of beginning.

6. Approval to advertise for 1998 motor vehicle fuel supplies for the Public Works and Sheriff's Departments.
7. Approval to advertise for CCTV System addition and modifications at the Law Enforcement Center.
8. Bids were received for County Parks agricultural land leasing for 1998 as follows:

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	St. Croix Bluffs (147 Acres) Per Acre	Cottage Grove (46.9 Acres) Per Acre	Lake Elmo (285.5 Acres) Per Acre	Big Marine (75 Acres) Per Acre	Pine Point (31.9 Acres) Per Acre
Gordon/Myron Tank	\$115.60*	\$101.60*	\$75.30		
Gordon Herman			86.20*		
Jerry Lapinski				\$66.00*	
Ken Berwald					\$47.00*
Steve Herman	105.20				
Terry Herman		76.30			
Bruce Mahle	92.61	62.60	62.62		
Craig Mayer	108.03	92.20			
Keith McHattie		86.30	71.30		
Dick Rohe				37.00	
Gary Swanson	97.60	87.60			

*Highest responsible bidder

Adoption of **Resolution No. 97-161** as follows:

Award of Lease for Tillable Farmland in County Parks for 1998

WHEREAS, in order to offer tillable farmland within County parks for rent the County solicited bids for this project; and,

WHEREAS, bids were opened on November 18, 1997 with the highest responsible bidders being: Gordon and Myron Tank at St. Croix Bluffs Regional Park and Cottage Grove Ravine Regional Park, Gordon Herman at Lake Elmo Park Reserve, Jerry Lapinski at Big Marine Park and Ken Berwald at Pine Point Park; and,

NOW, THEREFORE BE IT RESOLVED, that the bid of Gordon & Myron Tank, Gordon Herman, Jerry Lapinski and Ken Berwald be accepted and the County enter into a lease with Gordon and Myron Tank, Gordon Herman, Jerry Lapinski and Ken Berwald under the terms and conditions set forth in the bid specification documents; and,

BE IT FURTHER RESOLVED, that the lease between the County and Gordon and Myron Tank, Gordon Herman, Jerry Lapinski and Ken Berwald be executed through the signatures of the Chairperson of the Washington County Board of Commissioners and the Washington County Administrator without further action and approval as to form by the Washington County Attorney's Office.

9. Adoption of **Resolution No. 97-162** as follows:

Final Payment to Valley Paving, Inc. for
Construction on CSAH 21 in Afton

WHEREAS, the Washington County Board of Commissioners, on August 20, 1996, signed a contract with Valley Paving, Inc. for the road construction on CSAH 21 in Afton; and

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

November 25, 1997

NOW, THEREFORE BE IT RESOLVED, that Valley Paving, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached and is hereby a part of this resolution.

The foregoing Consent Calendar was adopted unanimously; Commissioners Hegberg and Engstrom absent.

PUBLIC WORKS DEPARTMENT

Commissioner Hauser moved to approve an agreement with SKD Architects, Inc for the building design of the contact station at St. Croix Bluffs Regional Park. Commissioner Abrahamson seconded the motion and it was adopted unanimously; Commissioners Hegberg and Engstrom absent.

HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Lowell Johnson, Manager, Department of Health, Environment and Land Management, presented proposed changes to the fee schedules for their licensing and permitting programs. Items discussed were: On-site Septic - establishment of a fee for permitting alternative/experimental systems with a fee of \$250; Zoning/Land Use - establishment of a new fee for certificates of compliance for non-residential/non-agricultural uses at \$100; Food, Beverage and Lodging - reduction in fee for temporary food event licenses for non-profit organizations from \$50, plus \$10 each additional day of the event, to a \$20 flat rate. Mr. Johnson also discussed the establishment of a fee for Plat Commission Reviews at \$120.

Commissioner Hauser asked if there was a fee to record plats, and if so, what that would be? Mr. Johnson stated there was a fee, but he did not know what the cost would be.

Commissioner Hauser stated she would like to see those fees combined and it should be done at the time the plat is recorded.

Mr. Schug reported that he just talked to the County Recorder and the recording fees are as follows: Plat recording fee is \$30 plus 50¢ a lot for abstract properties, and \$34 plus 50¢ a lot for Torrens properties.

Commissioner Abrahamson moved to approve a fee of \$50 for Plat Commission reviews which will be added to the cost of the Recording Fee. Commissioner Hauser seconded the motion and it was adopted unanimously; Commissioners Hegberg and Engstrom absent.

November 25, 1997

Commissioner Hauser indicated she was the one advocating that fees be the same for temporary food licenses and there would be no distinction between profit and non-profit status organizations. She believes the County's costs and responsibilities are the same, which is to insure that food that is being provided whether they are for profit or non-profit, meet the requirements for which the County issues licenses. She stated she could not support lowering the fee for food, beverage and lodging to \$20 for non-profit organizations.

Mary McGlothlin, Director of Health, Environment and Land Management, stated that Commissioner Hauser's argument that it costs the department no less to inspect the non-profit facilities and that they are no less risky to the community than a for profit is true. The department's experience is that in trying to collect a fee in effect what is happening is that the non-profits are not applying for a fee and the department does not even have the opportunity to make sure that they are serving food in a safe manner to the public. They can document that the temporary non-profit licenses that they handled this last year have gone down considerably. She feels that in light of dollars that are actually collected it is not to the benefit of the community to be arguing for money over public health.

Commissioner Peterson stated she has received a number of complaints from people who are running two hour events during a parade or for a short term event. She would rather have those events properly inspected and make sure they are correct and clean.

Commissioner Abrahamson stated he supports the recommended reduction to a \$20 flat rate fee. The veterans and legion organizations that work the fairgrounds are having a difficult time in raising funds for the good causes they support. He would rather go back to no fee, but feels a \$20 flat rate is a good compromise.

Commissioner Hauser stated she will probably support it and ask that staff keep track of how many non-profits are still not in compliance in order to see if this is a start in the right direction.

Judy Arends, Manager, HELM Department, discussed the revised hazardous waste fee schedule for 1998.

Commissioner Abrahamson moved to adopt **Resolution No. 97-163** as follows:

Resolution Establishing 1998 Fee Schedules within the
Department of Health, Environment and Land Management

WHEREAS, the Washington County Department of Health, Environment and Land Management provides licensing, permitting, testing and professional consultation services to the community; and

WHEREAS, Minnesota State Law and Washington County Ordinances allow the County to collect fees for such services; and

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WHEREAS, the Department of Health, Environment and Land Management has prepared the recommended fee schedules for the year 1998 which are consistent with County Board policy.

NOW THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts 1998 fee schedules for Solid Waste (including Attachment A - bond limits and certificate of insurance for solid waste); Hazardous Waste; Food, Beverage and Lodging; On-site septic; Zoning and Water Analysis.

Commissioner Hauser seconded the motion and it was adopted unanimously; Commissioners Hegberg and Engstrom absent.

GENERAL ADMINISTRATION

Outstanding Organizational Award

Mary Lou Gorski, Director of Community Education for the Stillwater Area School District #834, presented the Washington County Board of Commissioners and the Workforce Center the Outstanding Organization Award for the Minnesota Community Education Association.

State Municipal Board Appointments

James Schug, County Administrator, advised the Board that in addition to the Municipal Board Hearing on December 10 to hear a petition for the Incorporation of Forest Lake Township, which Commissioners Abrahamson and Hauser have been appointed to, there will be another hearing of the Municipal Board to hear a petition for the annexation of certain land to the City of Forest Lake. He indicated that two Commissioners will need to be appointed to that Board also.

Commissioner Peterson moved to appoint Commissioner Wally Abrahamson and Commissioner Mary Hauser to the Municipal Board to hear a petition for the annexation of certain land to the City of Forest Lake. Commissioner Abrahamson seconded the motion and it was adopted unanimously; Commissioners Hegberg and Engstrom absent.

Valley Branch Watershed District Board of Managers

Commissioner Peterson suggested holding interviews for the vacancy on the Valley Branch Watershed District Board of Managers on December 9 in the late afternoon prior to the Truth in Taxation hearings. She also would like a map showing the Valley Branch Watershed boundaries and where the candidates and present members reside.

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Certificate of Recognition for Chuck Siggerud

Commissioner Abrahamson moved to approve the following Certificate of Recognition:

Certificate of Recognition for
Chuck Siggerud

WHEREAS, Chuck Siggerud has given more than 40 years of his life to public service; and

WHEREAS, Chuck worked for 16 years as the Director of Public Works for the City of Burnsville; and

WHEREAS, Chuck spent 24 of those years with the Minnesota Department of Transportation; and

WHEREAS, Chuck spent the past five years as Metro Division Engineer with the Minnesota Department of Transportation, and has been instrumental in many Washington County projects including the recent construction of the Highway 5 bridge in Stillwater, the redesign of Highway 61 in Cottage Grove, St. Paul Park and Newport, and the Highway 10 project in Denmark Township; and

WHEREAS, Chuck will be retiring his position with the Minnesota Department of Transportation effective December 1, 1997.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners acknowledges with grateful appreciation Chuck's service to the citizens of Washington County; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners heartily congratulates Chuck for his many accomplishments during his tenure as a public servant and wishes him and his family the very best in his retirement.

Commissioner Hauser seconded the motion and it was adopted unanimously; Commissioners Hegberg and Engstrom absent.

Shoreland Management Workshop

Mr. Schug advised the Board that the workshop to discuss the proposed process and policy issues related to revising the County's Shoreland Management Ordinance has been postponed. Commissioners Hegberg and Engstrom are attending the Municipal Board public hearing today and both indicated they would like to be present for that workshop.

November 25, 1997

DISCUSSION FROM THE AUDIENCE

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

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Peterson announced that Court Services will have a department training on Friday, December 5.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Abrahamson moved to adjourn, seconded by Commissioner Hauser and it was adopted unanimously; Commissioners Hegberg and Engstrom absent. The Board meeting adjourned at 9:55 a.m.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
DECEMBER 2, 1997

The Washington County Board of Commissioners met in regular session at 4:30 p.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Hauser and Engstrom. Commissioner Peterson absent. Vice Chair Hegberg presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Howard R. Turrentine, Assistant County Attorney; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, HELM Manager; Kathy Nordine, Land Use Specialist; Dan Papin, Community Services Director; Don Wisniewski, Public Works Director; Richard Stafford, Auditor-Treasurer; Paul Tatting, Land Use Specialist; Chris Eitemiller, Budget & Policy Analyst; Mark Doneux, Soil and Water Conservation District; Konrad Koosmann, Soil and Water Conservation District; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Engstrom to adopt the following Consent Calendar:

1. Approval of the November 18, 1997 Board meeting minutes.
2. Approval of abatement applications for homestead classifications as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Amount</u>
M 88.088.88.00.0779	Wayne, Willie	\$ 72.00
R 33.030.20.21.0108	Flipp, Robert	1,410.00
R 29.030.21.34.0145	McGlaufflin, James	354.00
R 11.029.20.21.0003	Schneider, Carl	418.00
R 11.029.20.21.0004	Schneider, Carl	238.00
R 15.027.21.13.0075	Gonzalez, Emma	1,556.00
R 18.029.21.23.0020	Dittrich, Gregory	1,168.00
R 35.029.20.34.0047	Mielzarek, Sandra	542.00

3. Adoption of **Resolution No. 97-164** as follows:

Resolution Authorizing Execution of Grant Agreement

BE IT RESOLVED that Washington County Attorney's Office is entering into a Grant Agreement with the Minnesota Department of Public Safety Crime Victim Services Crime Victim and Witness Advisory Council for the program entitled Emergency Fund for Crime Victims.

Richard M. Arney, County Attorney is hereby authorized to execute and sign such Grant Agreements and amendments as are necessary to implement this program on behalf of Washington County.

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4. Approval of agreement with Linda Stein, Management Consultant, to assist in evaluating county-based purchasing options.
5. Approval to submit letter of intent to DHS to build Children's Mental Health service capacity.
6. Approval of contracts with East Metro Women's Council, Human Services, Inc. and Ramsey Action Program to administer the Family Homeless Prevention and Assistance program from July 1, 1997 through June 30, 1999.
7. Approval of the School-to-Work Partnership grant between the Minnesota Department of Children, Families & Learning, and the Community Service's Workforce Center Division to administer the grant beginning October 10, 1997, through June 30, 1998.
8. Approval to submit an application to the Minnesota Department of Health for the 1998-99 Tobacco Free Communities for Children funds designated for Washington County.
9. Adoption of **Resolution No. 97-165** as follows:

Designating Washington Soil and Water Conservation District
as the Authorized Representative to Apply for and Administer
the Individual Sewage Treatment System and Well Loan Program

WHEREAS, the Minnesota Department of Agriculture has made low interest loan funds available to counties, Soil and Water Conservation Districts and Joint Powers Organizations through the Agricultural Best Management Practices Loan Program and the Countywide Individual Sewage Treatment System and Well Loan Program; and

WHEREAS, Agribank, c/o Farm Credit Services Bank, in Forest Lake, MN, has agreed to act as the local lender, administer the lending agreements with individual borrowers and guarantee repayment to the state; and

WHEREAS, the Washington Soil and Water Conservation District and the Washington County Department of Health, Environment and Land Management have identified a need for low interest loan funds to encourage agricultural best management practices, repair of individual sewage treatment systems and sealing of abandoned wells that prevent or mitigate nonpoint source pollution; and

WHEREAS, Ag Best Management Practices, repair of Individual Sewage Treatment Systems and relocation or sealing of wells are priority practices to prevent groundwater contamination.

NOW THEREFORE BE IT RESOLVED, THAT the Washington County Board of Commissioners approves the application, authorizes its submittal

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and designates the District Manager of the Soil and Water Conservation District to be the authorized representative, and hereby grants the District Manager the authority to sign the application, loan agreement and all other correspondence or documentation necessary to implement the Ag Best Management Practices and Individual Sewage Treatment and Well Loan Program on behalf of Washington County.

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

Commissioner Hegberg introduced David Osten, Scout Troop leader, and Scout Troop 249, who are attending this evening's Board meeting to obtain their Citizen Merit Badges.

PUBLIC HEARING - HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT
Proposed County Subdivision Ordinance

The Board Vice Chair presented an overview of today's public hearing to consider adoption of the proposed County Subdivision Ordinance.

The Secretary to the Board read into the record the notice of public hearing and verified that the file contained the required affidavits of publication and affidavits of mailing.

Kathy Nordine, Land Use Specialist, presented an overview of the proposed Subdivision Ordinance. She indicated that the draft before the Board was reviewed by the Plat Commission, as well as the Planning Advisory Commission with their comments and recommendations included in the final draft. The draft Subdivision Ordinance was also distributed to the local townships, and local land surveyors. Some comments have been received by the surveyors, however no significant changes were recommended. A faxed letter from Peggy A. Reichert, Minnesota Department of Transportation Access Management, dated December 2, 1997, was placed on file.

Ms. Nordine outlined the following changes to the proposed Subdivision Ordinance:

Section 1. Intent and Purpose - This section outlines the intent and purpose of the ordinance. The division of land into several parcels for several uses is a primary concern for all communities. Subdivisions do have an impact on matters of County wide significance including traffic safety, transportation systems, soil suitability for development, groundwater/storm water management, and developments within the shoreland areas.

Section 2. Scope and Applicability - These regulations apply only to the unincorporated areas of the County.

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Section 3. Definitions - This definition section is consistent with the definitions in the County Zoning Ordinance.

Section 4. Administration - The Department of Health, Environment and Land Management is the administrator of this ordinance. In Section 4.4 open space design is addressed. This section does waive the minimum design and engineering standards for subdivisions which are approved as an open space design development in conjunction with the Zoning Ordinance.

Section 5. Minor Subdivision - Minor subdivisions consist of three or less parcels and do not require any new road or new public infrastructure. As required by the County Zoning Ordinance, these subdivisions must be reviewed by the Zoning Administrator which is a change from the current practice. The Zoning Administrator reviews the subdivision for compliance with the standards of the Washington County Development Code. These subdivisions may be subject to a development agreement, driveway permits, drainage easements and road right-of-way dedication.

Section 6. Platting Procedure - Outlines the procedure for platting which includes three steps: 1) Concept review; 2) Preliminary Plat; and 3) Final plat. A public hearing is held by the Plat Commission at the preliminary plat stage. The Plat Commission also reviews the final plat with final authority going to the County Board. This is consistent with current practice.

Section 7. Preliminary and Final Plat Requirements - Outlines the preliminary and final plat submittal requirements. Information to be included is identification of property description, existing conditions, subdivision design, and any other information deemed necessary.

Section 8. General Development Standards, Section 9. Minimum Design Standards, and Section 10. Engineering Standards - These sections establish the general development standards, design standards and engineering standards for subdivisions. Section 9.3 has been added and addresses access on to streets. These guidelines are consistent with those found in the County Comprehensive Plan.

Section 10.3 establishes standards for storm water management. Item 4 states that the rate of runoff shall not be greater than the rate of runoff that existed in pre-development conditions. The Planning Advisory Commission recommended that this ordinance should also regulate volume as well as the rate of storm water runoff. The language was modified to address their concern. The following language was added: "The volume of surface water runoff may be regulated if it appears the use and development of downstream properties are unreasonably interfered with as a result of the subdivision." Ms. Nordine indicated that language has been reviewed by the County Attorney's Office.

December 2, 1997

Section 11. Required Improvements - These are improvements that the developer must make during construction. Section 11.6 states that the subdivider must enter into a development agreement with the County as well as the local township. In the past subdividers have just been entering into an agreement with the local township. With the County entering into the agreement, the County would be able to enforce conditions of approval including those of county wide significance.

Section 12. Financial Guarantee - The developer is required to submit a financial guarantee to the township in the amount of 125% of the cost of improvements. This provides insurance that the subdivision will be constructed in accordance with the plans and completed.

The Board Vice Chair asked for comments from the audience; none were heard. He asked if the Board Secretary had all the documentary evidence. The Board Secretary indicated that she did.

The public hearing was closed for oral comment at 4:50 p.m.

Commissioner Hauser referred to Section 10.3 Storm Water Drainage, Item 4 regarding the addition of the regulation of the volume. She suggested the sentence that was added which reads "The volume of surface water runoff may be regulated if it appears the use and development of downstream properties are unreasonably interfered with as a result of the subdivision", be changed to "The volume of surface water runoff may be regulated if it appears the use and development of downstream properties may be unreasonably interfered with as a result of the subdivision."

It was Board consensus to make that change.

Commissioner Hauser addressed Section 10.3 Storm Water Drainage, Item 4. She stated that the last sentence refers to properties and not other bodies of water which may be receiving the runoff. She realizes that larger bodies of water might be including those in watershed districts and so forth, but she believes there may be some value in looking at adding bodies of water or other wording. She asked Mr. Turrentine whether the word "properties" could include those waters that are flowing through those downstream properties and is inherent in there as written.

Howard R. Turrentine, Assistant County Attorney, stated that is how he would interpret it in the sense that if some water was coming off some property that was being developed and that a downstream water body elevation was rising thereby flooding downstream properties, in that type of situation, regulation of upstream development would be considered.

Commissioner Engstrom asked that language be added to clarify that.

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Mr. Turrentine stated that language could be developed and brought back for the Board's consideration at the next Board meeting.

Mary McGlothlin, Director, Department of Health, Environment and Land Management, asked that the Board consider holding the formal written comment period open until close of business on December 9, 1997. At that point, language will be finalized and a resolution adopting the Subdivision Ordinance will be brought back on December 16 for Board action.

Commissioner Engstrom moved that the public hearing to consider adoption of the proposed County Subdivision Ordinance remain open for written comment until December 9 and that a resolution adopting final language of the County Subdivision Ordinance be brought back for Board action on December 16. Commissioner Abrahamson seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

GENERAL ADMINISTRATION

1998-2002 Capital Improvement Plan

Virginia Erdahl, Deputy Administrator, presented a summary of the 1998-2002 Capital Improvement Plan. She discussed changes made since the last workshop in August. The first change was to the replacement of the bauer toilet flushing system in the jail stating that has been reduced from \$100,000 to \$30,000 with a note indicating that if repairs cannot be made it will come back to the Board to replace it. The second change was the elimination of a freight elevator which had been moved out to the year 2002 for the loading dock. That item has been removed from the document.

Ms. Erdahl presented an update on the Series 1989A CIP Bonds including what has been spent, completed projects, current projects which are not totally finished but in progress, the debt service and money that was added to projects from the original amount which shows as an overage. She reviewed the dollars that remain in the CIP Bonds, dollars proposed to be spent in the 1998 budget, which is \$801,000 which leaves approximately \$417,000 remaining in the bonds.

Ms. Erdahl, asked the Board to consider that the remaining \$417,000 be allocated towards the financial management system. This will replace a system which is 15 years old. She indicated that bids have been opened and are being evaluated at this time.

Ms. Erdahl indicated that the CIP has been sent to the communities for response and comment. She reported that the Cities of Woodbury and Oakdale responded. She stated that Woodbury had suggested adding a couple of new projects to the CIP, one on Valley Creek Road in the median, and a Radio Drive

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upgrade. They also asked for park improvements. The City of Oakdale asked that the project that was pushed back from 1998-1999 to 2000-2001 be done sooner.

Commissioner Engstrom asked that one of the comments made by the City of Woodbury was to provide for off-road pathways as the County rebuilds county roads. He believes that the County is already doing that as much as possible. He asked if there were specific answers to their other concerns?

Don Wisniewski, Public Works Director, informed the Board that he has prepared a letter in response to Woodbury's concerns.

Commissioner Hauser stated another comment from the City of Woodbury was about the Woodbury Branch Library. She indicated that the Library Board is working with the City on that matter.

Commissioner Abrahamson asked about the City of Woodbury's concern that \$150,000 for signals is not adequate. Mr. Wisniewski stated that is a target value and goes up and down from that number based on warrants and also on whether or not these particular intersections meet the criteria of the top ten of intersections. He indicated these intersections can be funded with state aid money. If they find that more signals are required for any given year they can use the state aid funds to fund those particular signals. Typically they would be able to handle an additional one or two signals on top of this.

It was the consensus of the County Board to use the remaining \$417,000 in the bonds for the financial management system.

Commissioner Abrahamson moved to set the public hearing for the 1998-2002 Capital Improvement Plan for January 6, 1998 at 5:00 p.m. Commissioner Engstrom seconded the motion and it was adopted unanimously; Commissioner Peterson absent.

Association of Minnesota Counties Awards

James Schug, County Administrator, informed the Board that the Association of Minnesota Counties awarded Washington, Anoka, Hennepin and Ramsey Counties a County Achievement Award for the Commuter Rail Demonstration Project this past summer.

Washington County was also recognized by the Minnesota Counties Insurance Trust for effectively managing the worker's compensation costs and the property casualty loss costs.

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Mr. Schug announced that Virginia Erdahl, Deputy Administrator, was elected President of the Minnesota Association of County Administrators for 1998.

Richard Stafford, Auditor-Treasurer, distributed a copy of a post card that will sent to property owners showing the amount they paid in property taxes for 1997. This postcard can be used to collect the refund on their state income tax forms. The postcards will be sent out near the time the income tax forms are mailed out.

Mr. Stafford also commented on phone calls he has been receiving from citizens regarding the junk mail they have been receiving offering huge sums of money for loans with no strings attached. He indicated that these companies do receive mailing lists from the County. The County charges only for the expense of printing this information. He advised the members of the viewing audience that they can have their names removed from these lists and they will not get as much of this type of mail in the future.

DISCUSSION FROM THE AUDIENCE

Dora Lee, 635 Cimarron, indicated she was a member of the Cimarron Community Coalition, and she spoke to the waste management fees that were placed on mobile homes. She stated there were 504 residents in the park. Beginning January 1 their lot rent will go up from \$350 to \$366. She feels that adding this waste management fee is unjust. People living out there are on a fixed incomes and that \$13 a year might make a big difference especially when the lot rents go up every year. She would like to see the park bought and only the County can do it. They don't have the funds to buy that park. She indicated that several years ago they asked the HRA for help and they got nowhere with that. She understands they bought Landfall, but now they are in a bind with money. She asked when was it their turn, when do they get the help?

Commissioner Hegberg advised Ms. Lee that the Board could not discuss this issue at this time as it was not listed formally on the agenda. He indicated that the matter of waste management fees for mobile homes was discussed and it was lowered from \$38 to \$13. He told Ms. Lee that her comments would be taken into consideration.

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Engstrom advised the Board that he has received two resolutions from the City of Afton which he will provide copies of to the Board members and the Public Works Director. One resolution requests a four-way stop sign at the intersection of Neal and Hudson Road. The second resolution also requests a speed study for the frontage road. He asked that a workshop be scheduled to talk about the

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warrants for a stop sign in this area. He feels not only the volume of traffic should be considered but the type of traffic. He has spent some time in that area again and is very concerned about that intersection.

Commissioner Abrahamson stated he visited that area on two occasions. He feels that this is a state issue and the Public Work's hands are tied because of the traffic counts. He has no problems sitting down in a workshop session to discuss this matter further.

Commissioner Abrahamson reported that he has had five calls on snowmobile problems. He also noticed that the Public Works Director distributed copies of a newspaper article about the damage on snowmobile trails in Chisago County. He understands that Chisago County is now considering a ban on snowmobile studs on its paved trails.

Commissioner Hauser informed the Board that the Oakdale Library will open in a couple of weeks. The grand opening is scheduled for January 24, 1998.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Abrahamson moved to adjourn, seconded by Commissioner Engstrom and it was adopted unanimously; Commissioner Peterson absent. The Board meeting adjourned at 5:40 p.m.

BOARD WORKSHOP WITH THE SHERIFF'S DEPARTMENT

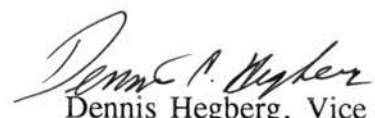
The Board meeting was preceded by a workshop with the Sheriff's Department for an update on radio planning. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl, Steve Pott, Don McGlothlin, Mary McGlothlin, Stuart Glaser, Jeff Nelson, M.A. Montgomery, Bill Hering, Fran Pott, and Dave Schultz.

Attest:



James R. Schug

County Administrator



Dennis Hegberg, Vice Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
DECEMBER 9, 1997

The Washington County Board of Commissioners met in regular session at 4:15 p.m. in the Washington County Government Center, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Sue Fennern, Human Resources Associate; Don Wisniewski, Public Works Director; Chris Eitemiller, Budget and Policy Analyst; Dan Papin, Community Services Director; Char Farnum, Community Services Division Manager; Mary McGlothlin, Director of Health, Environment and Land Management; and Tim Casey, Public Information Coordinator.

CONSENT CALENDAR

Commissioner Engstrom moved, seconded by Commissioner Abrahamson to adopt the following Consent Calendar:

1. Approval of the November 25, 1997 Board meeting minutes.
2. Approval of expenditure of \$13,000 of the State Natural Resources Block Grant - Wetland Funds for Forest Lake Watershed Management Organization (FLWMO) to complete a water management plan for the new joint powers FLWMO and authorize the Chair and Administrator to execute the agreement with the FLWMO.
3. Approval to transfer the \$15,600 Board of Water and Soil Resources Water Planning Grant from Washington County to the Brown's Creek Watershed District (BCWD) and authorize the Chair and Administrator to execute the agreement with the BCWD.
4. Approval for attraction/retention salary ranges for the classification of PC/LAN Technician, PC/LAN Analyst, and Adult Nurse Practitioner.
5. Approval to advertise for bids for supply and installation of carpeting in County buildings.
6. Approval to advertise for bids for painting services for County facilities.
7. Approval to advertise for general plumbing maintenance services for County facilities during 1998.

December 9, 1997

8. Adoption of **Resolution No. 97-166** as follows:

Final Payment to Flanagan Sales, Inc. for Parks Play
Structure at Lake Elmo Park Reserve

WHEREAS, the Washington County Board of Commissioners, on May 6, 1997, authorized a contract with Flanagan Sales, Inc. for the supply and installation of outdoor play equipment for 2-5 year-old's at the Lake Elmo Park Reserve; and

WHEREAS, Flanagan Sales, Inc., has satisfactorily completed all work in accordance with the terms and conditions of the contract; and

NOW, THEREFORE BE IT RESOLVED, that Flanagan Sales, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

9. Approval to reimburse the Captains from the Sheriff's Office for their overtime worked on the flood during April, 1997.

The foregoing Consent Calendar was adopted unanimously.

GENERAL ADMINISTRATION

Transfer of Tax Forfeited Land to the City of Hugo

James Schug, County Administrator, presented a request by the City of Hugo to transfer an 80 acre parcel of tax forfeited land located in the City of Hugo to the City. He indicated that the 1997 State Legislature approved special legislation regarding this transfer. He believed that a representative from the City of Hugo would be present to explain the request but does not see him here at this time. It was his understanding that this 80 acre parcel of land would be used for storm water management with a future use of some park and recreational development and trails.

Commissioner Hegberg moved to authorize the County Board Chair, County Administrator and the County Auditor-Treasurer to sign a Quit Claim Deed to transfer an 80 acre parcel of tax forfeited land to the City of Hugo. Commissioner Abrahamson seconded the motion.

Commissioner Abrahamson asked where this property was located? Mr. Schug stated he was not sure but knows there are no county roads or any public access. He believes it's near 130th Street in Hugo.

Commissioner Hegberg thought it might be in the Hardwood Creek Wetland area.

December 9, 1997

Commissioner Abrahamson stated he hated to approve something where known water problems exist in that area.

Mr. Schug suggested tabling this matter for a few minutes to determine if a representative from the City of Hugo will be attending this meeting.

Commissioner Hegberg moved to table the matter of a Quit Claim Deed to transfer tax forfeited land to the City of Hugo for 15 minutes. Commissioner Engstrom seconded the motion and it was adopted unanimously.

COMMUNITY SERVICES UPDATES

McKnight Foundation Grant

Dan Papin, Community Services Director, informed the Board that the McKnight Foundation has approved a grant to Washington County to implement the welfare-to-work program. He indicated the County's amount will be a total of \$360,000 over two years with the first check for \$180,000 arriving shortly.

Commissioner Peterson suggested meeting with local communities in January to update them on this grant.

Court Injunction on Benefits for People that Migrate to Minnesota

Mr. Papin updated the Board on a decision issued by the Second Judicial District Court in Ramsey County last week related to benefit levels for people on public assistance that migrate to Minnesota. Prior to July 1, 1997 anybody was eligible, upon arrival in Minnesota, to receive the same benefits. After the welfare reform act, eligibility was changed to say upon arrival in Minnesota from another state a person would have to be a resident for 30 days before they would be eligible for any benefits issued in Minnesota. After that 30 day period, and for the remainder of one year, they would receive benefits at the level received in their former state. This legislation was challenged in court and an injunction was issued. They are now entitled to the same level of benefits at the time of application, and repayments will have to be restored to those individuals who came here and were denied. He stated that Washington County has 32 cases and it will not be overwhelming to the County, but Ramsey and Hennepin County will be hit hard.

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Subdivision Ordinance Update

Mr. Schug stated that at the close of the public hearing for the Subdivision Ordinance last week, the Board moved to keep the public hearing open for a week for written comments and to bring it back for action on December 16. He informed the Board that written comments were received and requested the Board to delay action to December 23 which would give staff more time to review the comments and work out the proposed language.

Commissioner Hegberg moved to postpone final action on the Subdivision Ordinance to December 23, 1997. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Transfer of Tax Forfeited Land to the City of Hugo (Continued)

Mr. Schug indicated he had contacted both Bob Museus, Hugo City Administrator, and Greg Galler, Hugo City Attorney. He believed what may have happened is that each thought the other was coming to the meeting.

Commissioner Hegberg presented a map which shows the location of the proposed 80 acre parcel. He indicated it was located west of Highway 61 and north of Bald Eagle Lake wetlands.

Commissioner Abrahamson stated that answered his question.

Commissioner Engstrom moved to remove from table the matter of a Quit Claim Deed transfer of tax forfeited land to the City of Hugo. Commissioner Hegberg seconded the motion and it was adopted unanimously.

Commissioner Hegberg moved to authorize the County Board Chair, County Administrator and the County Auditor-Treasurer to sign a Quit Claim Deed to transfer an 80 acre parcel of tax forfeited land to the City of Hugo. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

DISCUSSION FROM THE AUDIENCE

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

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COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson asked if other Board members had information on a Metropolitan Airports Commission meeting scheduled for December 10 in West Lakeland? He was asked to attend that meeting and indicated that he would attend. The Board members indicated they did not and asked Commissioner Abrahamson to update the Board on this matter.

Commissioner Engstrom discussed the matter of a four-way stop sign at the intersection of Neal and Hudson Road. He continues to receive phone calls on that and he is monitoring that situation. He indicated that the Board members each received a copy of a letter from the Minnesota Department of Transportation (MN/DOT). He stated that the issue in the past has been that the County had no control over this road. The letter is quite clear in that the request to change that stop sign came from Washington County staff and did not come from MN/DOT. The bottom paragraph indicates that the State Patrol would be unable to send any troopers to enforce the speed limit. Commissioner Engstrom stated that this is a MN/DOT road and County staff has requested the stop sign to be removed and the State Patrol won't send anybody in to monitor speed. He asked that this be scheduled for a workshop.

Commissioner Peterson stated she met with Senator Wellstone's assistant Sara Nemier to discuss ISTEAs reauthorization and the Wakota Bridge. She indicated that both Senator Wellstone and Senator Grams have sent letters supporting some funding for the Wakota Bridge and reauthorization of ISTEAs.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Hegberg moved to adjourn, seconded by Commissioner Abrahamson and it was adopted unanimously. The Board meeting adjourned at 4:50 p.m.

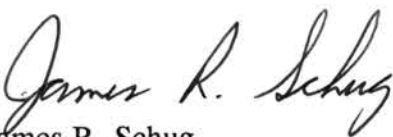
BOARD WORKSHOP WITH THE DEPARTMENT OF HEALTH, ENVIRONMENT AND LAND MANAGEMENT

The Board meeting was preceded by a session with the Department of Health, Environment and Land Management to discuss the proposed process and policy issues related to revising the County's Shoreland Management Ordinance. No business was conducted and the public was welcome to attend. Present for

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the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Mary McGlothlin, Lowell Johnson, Kathy Nordine, Bob Turrentine and Rick Vanzwol, Citizen of Grant.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
TRUTH-IN-TAXATION PUBLIC HEARING
DECEMBER 9, 1997

The Washington County Board of Commissioners convened at 7:00 p.m. in the Washington County Government Center, County Board Room, to conduct a Truth-in-Taxation public hearing for the purposes of review of the proposed 1998 County Budget. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Chris Eitemiller, Budget and Policy Analyst; Richard Stafford, Auditor-Treasurer; Joanne Helm, Auditor-Treasurer's Office; Denny Montague, Assistant County Assessor; Jim Frank, County Sheriff; Cindy Koosmann, County Recorder; Russ Reetz, Court Services Director; John Devine, Controller; Don Wisniewski, Public Works Director; Dan Papin, Community Services Director; Larry Haseman, I.S. Supervisor; Jay Kuechenmeister, Community Services Division Manager; and Tim Casey, Public Information Specialist.

Board Chair Peterson opened the hearing with a welcome to those in attendance and indicated that comment cards were available for audience members who wished to speak.

James Schug, County Administrator, gave a brief overview of the budget process to date.

Chris Eitemiller, Budget and Policy Analyst, presented an overview of the proposed 1998 budget.

Virginia Erdahl, Deputy Administrator, presented information on how the proposed 1998 budget will affect various types of property throughout the County.

Robert Zick, 5158 Granada Avenue North, Oakdale - Mr. Zick requested information on the Housing and Redevelopment Authority of Washington County and how it fits in and how he finds out the impact that the authority has on his County taxes. He asked how they work as a conduit for funding of different developments and what they should be or should not be involved in. He asked how the HRA functions under the Washington County Commissioners, what is the actual connection between the housing authority and the County Board?

Commissioner Engstrom informed Mr. Zick that the HRA Board is independent of Washington County. The relationship between Washington County and the HRA Board is that the Washington County Board must approve the levy that the HRA sets. There is a levy that is authorized by the State legislature which is in the budget. In addition, special legislation was passed last year relating to the City of Landfall to make sure that it stays affordable housing.

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Mr. Zick asked if the County controls the purse strings of the HRA and does each Commissioner appoint somebody to the HRA Board?

Commissioner Engstrom stated that State statute authorizes each Commissioner to have one person per district appointed. It can be anybody including a Commissioner. The first question as to the levy. The levy is a maximum mill rate set by State statute and indicated he did not have that figure in front of him.

Mr. Zick is concerned about the HRA of Washington County getting into projects that he feels should not be part of housing and redevelopment. Examples are bonding for public schools for \$35 million allowing the school districts to circumvent the public's approval and in 1993 they did the jail. He feels the \$2 million for the Landfall project is housing and can be justified. Schools and jails cannot be justified. He asked if the HRA Executive Director appointment was made through this Board?

The Board indicated no. Commissioner Engstrom stated that the HRA is entirely an independent agency. The Valley Crossing School he mentioned, which was a joint venture of three school districts, did not cost the County taxpayers through the HRA levy or through the County levy. He indicated to Mr. Zick that he should be speaking to the school districts involved. The three elected school boards came to the HRA asking for help. No HRA or County levies were involved.

Greg Schad, 13295 Partridge Road North, Stillwater - Mr. Schad indicated he got information from the County for the last ten years and he found that over the last ten years the County's budget has increased by 51.73%. The number of full time equivalents has gone up 67%. The population for the County has only gone up 35%. He asked why is this? What has the Board done to make sure that the County is operating efficiently, and with the lowest expense possible? He also looked at the recent budget increases. The budget increase for the last five years from 1992 to 1997 was 4.77%. He considers that pretty good for a five year period. The budget increase from 1997 to 1998 is considerably larger and 53% higher than the last five years combined average. He would like to know the need for such a huge increase at this time?

Mr. Schug commented on a couple of items Mr. Schad addressed. One of the things that has increased the staffing needs over the past ten years is the new jail. The new jail now houses 192 prisoners versus the old jail where we were renting space in other counties. When the County took on that responsibility a significant number of staff was added. A few years ago the Washington County Library employees, who had previously been considered the employees of a separate entity, were ruled to be County employees and that brought a number of employees into the County in one large group. A number of staff has been added through various state and federal programs where the state and federal governments determine that there should be additional emphasis on programs that the County provides such as child

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support, child care, federal COPS program, where a lot of these positions are actually funded with revenue sources other than the County levy. Each County position is brought to the County Board for approval. No departments have authority to add staff without a review by the County Board. Most of that review takes place during the annual budget process, others come up as they are available during the course of the year. Any additions to staff are always reviewed by the Personnel Committee of the Board and then by the Board itself and approved on an individual basis.

Mr. Schad asked if there have been any initiatives to reduce staffing, as in private industry there has been a significant reduction in staffing in many areas — not necessarily laying anybody off but through attrition maybe some jobs may not be necessary, maybe some jobs could be combined. How many jobs have been eliminated at the County level over this same period? He sees a very disproportionate number of growth in employees compared to the population increase.

Commissioner Peterson stated that the Board did institute a CEO Commission that went through the entire County organization. The CEO Commission was made up of executive officers of various businesses. They looked at how the County operated. The Commission made several recommendations and the County has been instituting those recommendations. Some of the recommendations have been in how technology can be used to increase productivity. Another program the County has instituted is that each department is offered the opportunity to find ways of saving money. Those savings are put into a pot and then at the end of the year the Board reviews those dollars saved and looks at how the County can be more efficient. The Board may reward a department with an extra staff person, maybe that's the reward. Maybe they need additional technology or training. The employees are actually involved in the cost saving and looking for solutions. Only 50% of the savings are used for this and the other 50% goes back into the general funds. Those are ways the County has looked internally at how the County might operate better and serve the constituency better.

Mr. Schad asked why the County needs a 53% higher increase this year than was needed over the last five years combined? The budget in 1992 was \$96,956,000 and the budget for 1997 was \$101,589,200, a difference of \$4,633,200. The 1998 proposed budget is \$108,678,700, which is \$7,089,500 more.

Commissioner Peterson stated one of the primary reasons for the increase is that no major road improvements have been made for a long time. The County Board made a policy decision that as the County is growing the roads should be improved. Roads have a life expectancy of 20 to 30 years and while the County is in a growth mode the Board felt the infrastructure needed to be taken care of.

Mr. Schug stated he feels that is a major factor. A big part of the \$7 million increase was in capital improvement and a lot of that reflects the major road projects.

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Mr. Schad indicated he called the County road department today and asked when the roads are reconstructed, why are eight foot paved shoulders on each side of the road. He was given the following reasons: 1) To decrease maintenance expense of the gravel; 2) If a car broke down there was a paved area to pull over; and 3) Bike riders. He drives past the Stillwater Country Club where there is a paved bike trail, which he believes he has paid for along the way, and now there are eight foot paved shoulders on each side of the road. It seems to him that there could be changes made to save money and not increase the budget so much.

John Rantala, 1671 10th Avenue, Newport - Mr. Rantala addressed the solid waste management service charge and asked whether it is meant to be an income producer or whether it offsets state charges or federal charges, what is it used to pay for, and how they came up with the idea to do it based on property value?

Commissioner Engstrom reported on the history of the Ramsey/Washington Resource Recovery Facility in Newport and why it was built approximately 11 years ago. The idea was to avoid putting trash into landfills where there has been a lot of problems, with Lake Jane being the largest one in Washington County causing a lot of pollution and groundwater problems. All the trash in Ramsey and Washington Counties was directed to go to that plant where the trash is processed into fuel and burned by NSP in plants down in Mankato and Red Wing. The Supreme Court ruled a few years ago that the County or the State could not control the flow of trash, it was considered interstate commerce. The trash could go to Wisconsin, South Dakota, Iowa and so on. Commissioner Engstrom indicated that it costs \$66.79 a ton to process trash in that facility and the haulers used to be charged that amount. When it was ruled that the County could no longer direct trash to go to that facility to be made into fuel, the Counties had to be competitive in the market with landfills in order to keep that plant going. The state authorized a solid waste surcharge. That surcharge is not in this truth in taxation budget, that is a totally separate item, and goes directly to subsidize that Resource Recovery Plant.

Commissioner Peterson stated another issue is that the County is involved in a lawsuit where County trash has been deposited in another state, and that state has brought a lawsuit against the County and people who utilized that landfill because they say their soil and water was contaminated because of the landfill. One of the reasons or rationales for building the Resource Recovery Facility was to protect the citizens from a future lawsuit.

Commissioner Hauser noted that in addition to subsidizing the Resource Recovery Project, part of the solid waste fee is used to support the household hazardous waste facility in the City of Oakdale, recycling efforts which the County subsidizes, and educational pieces about recycling, where citizens can drop their household hazardous wastes and so on.

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Mr. Rantala understands that, but the way the waste management service charge is setup makes no sense to him. On an individual home it is \$38, mobile homes is \$13, and then businesses have several categories. There is no measurement against waste generated. For the last two years he has been taxed one, because he lives in the four-plex that he owns and has been charged an individual fee, and then because he's living in a four-plex that is a commercial property he's been charged the commercial fee. He feels he is being taxed twice just because he lives in the building. He does not feel he is generating the trash like a \$100,000 or a \$250,000 fast food place or something else and should not have to pay a higher percentage of it. He will have to end up passing that on to his renters.

Commissioner Hegberg indicated that this Board has not found a mechanism, and he truly has been searching for one, that will go on a market rate. Because of the way the laws are structured and the way the garbage can be transferred out of state, yet the County can be held liable for the pollution if it does pollute in 40 to 50 years, which he feels it will, he thinks the County has done the best it can under the circumstances. He does agree it's unfair, especially in Mr. Rantala's situation, in owning the unit and then paying two fees.

Commissioner Peterson suggested that Mr. Rantala serve on the County's Solid Waste Advisory Committee and indicated she will keep his card on file for that.

Jan Arcand, 1850 Cedar Avenue, White Bear Lake - Ms. Arcand stated she is a co-owner of the Oneka Ridge Golf Course and was here last year with what they considered an obscene tax rate. She indicated they worked with the State legislature to get a significant change for golf courses within the omnibus tax bill. When they received the tax statement she did question again the fact that the market value doubled again in one year which is hard to understand for an owner. She asked the County about the implementation of the new bill and was told that it was applied to all the golf courses and that was not within the provisions of the bill.

Denny Montague, Assistant County Assessor, informed the Board that Sharoan Harp, Assessment Coordinator, is the staff person working on this legislative change. He suggested that Ms. Arcand contact Ms. Harp directly, she would be able to assist her.

The Board requested that they be updated on what happens in this matter.

Jeff Sovereign, 8 Evergreen, Landfall - Mr. Sovereign distributed copies of a summary of his remarks and suggestions he will be bringing forward this evening. His remarks addressed the Washington County Housing and Redevelopment Authority and the types of projects they are involved in. Other issues addressed were housing improvements, rent control, and accountability for management improvements.

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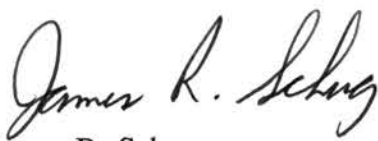
He feels that the residents of Landfall should not lose in any way because the Washington County HRA is leaving Landfall. He stated Landfall will lose the services of the HRA for approximately 20 years which means there will not be the Washington County HRA pool revenue which was used to help with Landfall's expenses and housing improvements. He's asking that the County Board do everything it can to keep these housing improvements going. He asked if rents go up over 3% the County should help out, possibly \$10,000 to \$40,000 a year if it's needed.

Commissioner Engstrom stated that this Board has already pledged to give the City of Landfall \$200,000 a year for the next ten years. Now Mr. Sovereign is asking for an additional \$40,000 over that amount? For this Board to make up a shortfall in the City of Landfall's Budget on an annual basis of \$40,000 a year is ludicrous.

The Board Chair asked for further comments; none were heard. She thanked everyone for attending this evening and announced that the 1998 proposed budget and levy will be considered for adoption on December 16, 1997. A public hearing for the County's five year capital improvement plan has been scheduled for January 6, 1998 at 5:00 p.m.

The Board adjourned at 8:40 p.m.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
DECEMBER 16, 1997

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 Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Bob Turrentine, Assistant County Attorney; Sue Fennern, Human Resources Associate; Don Wisniewski, Public Works Director; Richard Gauger, Project Manager; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, HELM Department Manager; Paul Tatting, HELM Department; Judy Hunter, HELM Department Manager; Cindy Koosmann, County Recorder; Richard Stafford, Auditor-Treasurer; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Engstrom moved, seconded by Commissioner Abrahamson to adopt the following Consent Calendar:

1. Approval of contract with River Heights Plaza, Inc. for lease of space in River Heights Plaza for Stillwater License Center site.
2. Approval for Chairman and Administrator to sign density allocation agreement to allow James and Mary Thurmes to subdivide a portion of their property.
3. Approval for Chairman and Administrator to sign density allocation agreement to allow Robert and Mavis Voigt to convey a 2 acre parcel from their 34 acre parcel to an adjoining property owner, Thomas Tennant.
4. Approval and execution of amendment to the agreement between Washington County and Northern States Power for the collection of fluorescent lamps.
5. Approval and execution of amendment to the agreement between Washington County and Rollins Environmental, Inc. for household hazardous waste management services.
6. Approval of the 1998 meet and confer agreement with non-union employee groups including Department Heads and confidential supervisors and confidential employees.
7. Approval of **Resolution No. 97-167** as follows:

December 16, 1997

Final Payment to Valley Paving, Inc. for
Road Construction on Mayberry Trail in New Scandia Township

WHEREAS, the Washington County Board of Commissioners, on December 2, 1995 signed a contract with Valley Paving, Inc. for the road construction on Mayberry Trail in New Scandia Township; and

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

NOW, THEREFORE BE IT RESOLVED, that Valley Paving, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

8. Adoption of **Resolution No. 97-168** as follows:

Resolution for Revocation of County State Aid Highway 40
County State Aid Highway 41 County State Aid Highway 42
County State Aid Highway 43 County State Aid Highway 44
and County State Aid Highway 45

WHEREAS, on December 16, 1986 Washington County entered into Agreement #06-0220-1244 with the City of St. Paul Park for designation of former Municipal State Aid Streets as County State Aid Highways; and

WHEREAS, this agreement provides for the jurisdictional transfer of these roads back to the City of St. Paul Park when the City population reaches 5,000; and

WHEREAS, the Metropolitan Council has estimated the 1997 St. Paul Park population to be in excess of 5,000; and

WHEREAS, the City of St. Paul Park desires to establish a Municipal State Aid Street System in 1998; and

WHEREAS, Washington County must adopt a resolution for a revocation of these roads to the City of St. Paul Park; and

WHEREAS, this agreement is terminated when road jurisdiction reverts to the City of St. Paul Park; and

WHEREAS, the Commissioner of Transportation approval for revocation of these roads is needed; and

WHEREAS, this revocation is conditioned upon Commissioner of Transportation approval.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners hereby revokes County road designation of the following described County State Aid Highways and that responsibility for these roads shall revert to the City of St. Paul Park, pursuant to Minn. Stat. 162.02, on January 1, 1998.

December 16, 1997

COUNTY STATE AID HIGHWAY 40

Beginning at the intersection of 3rd Street (County State Aid Highway 41) and Broadway Avenue (County State Aid Highway 22), Section 12, T27N, R22W, in the City of St. Paul Park, along Broadway Avenue westerly to Main Street, continuing southerly along Main Street to 7th Avenue, continuing easterly to its termini with 3rd Street (County State Aid Highway 41), Section 12, T27N, R22W in the City of St. Paul Park, being approximately 0.58 miles in length.

COUNTY STATE AID HIGHWAY 41

Beginning at the intersection of 3rd Street (County State Aid Highway 41) and Broadway Avenue (County State Aid Highway 22), Section 12, T27N, R22W, in the City of St. Paul Park, along 3rd Street southerly to its termini with 14th Avenue (south St. Paul Park City limits), Section 13, T27N, R22W in the City of St. Paul Park, being approximately 1.05 miles in length.

COUNTY STATE AID HIGHWAY 42

Beginning at the intersection of 3rd Street (County State Aid Highway 41) and 9th Avenue (County State Aid Highway 42), Section 12, T27N, R22W, in the City of St. Paul Park, along 9th Avenue easterly to its termini with Lincoln Avenue (County State Aid Highway 45), Section 7, T27N, R21W in the City of St. Paul Park, being approximately 0.67 miles in length.

COUNTY STATE AID HIGHWAY 43

Beginning at the intersection of Broadway Avenue (County State Aid Highway 22) and Summit Avenue (County State Aid Highway 43), Section 12, T27N, R22W, in the City of St. Paul Park, along Summit Avenue southerly to its termini with Pullman Avenue (County State Aid Highway 44), Section 12, T27N, R22W in the City of St. Paul Park, being approximately 0.78 miles in length.

COUNTY STATE AID HIGHWAY 44

Beginning at the intersection of 3rd Street (County State Aid Highway 41) and Pullman Avenue (County State Aid Highway 44), Section 12, T27N, R22W, in the City of St. Paul Park, along Pullman Avenue easterly to its termini at the east limits of St. Paul Park, Section 7, T27N, R21W in the City of St. Paul Park, being approximately 1.14 miles in length.

COUNTY STATE AID HIGHWAY 45

Beginning at the intersection of Hastings Avenue (County State Aid Highway 39) and Lincoln Avenue (County State Aid Highway 45), Section 7/12, T27N, R22W, in the City of St. Paul Park, along Lincoln Avenue southerly to its termini with Pullman Avenue (County State Aid Highway 44) Section 7/12, T27N, R22W in the City of St. Paul Park, being approximately 0.48 miles in length.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby requests the Commissioner of Transportation to approve this revocation; and

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners authorizes its Chairperson and Administrator to execute on behalf of Washington County any documents necessary to revoke the above described roads;

December 16, 1997

BE IT FURTHER RESOLVED, that Agreement #06-0220-1244 entered into on December 16, 1986 is hereby terminated.

The foregoing Consent Calendar was adopted unanimously.

PUBLIC WORKS DEPARTMENT

Manning Avenue Connection Environmental Assessment Worksheet (EAW)

Commissioner Engstrom asked if the Board authorizes the release of the Environmental Assessment Worksheet (EAW) regarding the issue of extending Manning Avenue and putting forth the four alternatives and submitting this to the Environmental Quality Board (EQB), is the Board committing itself to one of these alternatives? He could only support the no build alternative. He is worried that a vote to proceed with this plan is saying that the Board is supporting all four alternatives.

Don Wisniewski, Public Works Director, stated that the direction from the County Board, as he understood it, was to go through the EAW which includes four alternatives. He understood the goal to be to make a decision on whether the County should be involved in looking at linking Trunk Highway 36 with Trunk Highway 5. By moving forward with this EAW comments will be received from all the environmental agencies and citizens will have an opportunity to comment. Those comments will be presented to the County Board meeting on February 17, 1998 at which time a decision could be made on one of the four alternatives. If the Board were to decide it was not going to proceed, that would put this project to an end.

Commissioner Hauser stated that the work has been done and feels it should go through the process or the work would have been done for nothing. This could have been dropped sometime earlier. The idea was to develop this information and place it into a place where one of those alternatives might be acted upon at some time. She believes by not going forward would stop the process prematurely when a significant investment has already been made. She feels it was the Board's intention to obtain all the information, look at it and make a judgment which could end up in any one of these four alternatives provided. At this point she does not feel the Board is ready to make a decision and the process should move forward.

Commissioner Hegberg stated he agreed with Commissioner Hauser. He spoke against it previously and believed that would have been the time to stop, but he was convinced otherwise. He asked if the Board goes through the next step, will the State of Minnesota comment on this project?

Mr. Wisniewski does expect the Minnesota Department of Transportation to comment on the EAW.

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Commissioner Abrahamson stated he voted against this in the past because he supported the townships, the City of Oak Park Heights, and the City of Lake Elmo, based on the no build they were supporting. He still feels that is what he's going to support.

Commissioner Hegberg moved to authorize the release of the Manning Avenue Connection Environmental Assessment Worksheet for distribution. Commissioner Hauser seconded the motion and it was adopted 3-2 with the vote as follows: Yes, Commissioners Hegberg, Hauser and Peterson; No, Commissioners Abrahamson and Engstrom.

St. Croix Bluffs Regional Park Play Equipment

Commissioner Abrahamson asked that when the advertisement and specifications for play equipment for the St. Croix Bluffs Regional Park go out that companies in Washington County who are in this business are also sent copies of the specifications.

Commissioner Abrahamson moved to authorize staff to advertise for proposals for play equipment for the St. Croix Bluffs Regional Park. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Remodeling of the Forest Lake License Bureau

Mr. Wisniewski indicated that nine bids have been received for remodeling of the Forest Lake License Bureau. The lowest bid received was \$254,800, alternate 1 would add an additional \$7,300. He stated that they had budgeted \$180,000 for this project. It is staff's recommendation to reject all the bids and look at different alternatives for providing for the Forest Lake License Bureau.

Commissioner Hegberg moved to reject all the bids for the remodeling of the Forest Lake License Bureau. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Mary McGlothlin, Director of Health, Environment and Land Management Department, is requesting the Board's direction on staffing and provision of building inspection services to local governments by the HELM Department. She indicated that two of its building inspectors have resigned, one through retirement and one is taking a new job. Currently, the department is in the process of renewing contracts with towns and cities for building and septic inspection services for 1998. In 1997 the County provided building inspection services to New Scandia Township, Stillwater Township, Grey Cloud Island

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Township, Denmark Township, City of Marine on St. Croix, City of Grant, City of Pine Springs, City of Lakeland Shores, City of Lakeland, City of Lake St. Croix Beach and the City of St. Mary's Point. She informed the Board that Denmark Township has opted to contract with the City of Afton and will not be using the County for its building inspection services in 1998. She presented two options for the Board to consider:

Option 1 - Discontinue Building Inspection Services as a function of County Government. It was suggested that the County Board consider continuing building inspection services through December 31, 1998 and formally give notice to contract entities that effective January 1, 1999 the County will no longer be providing this service. The department would work with communities through 1998 to find new service providers and establish the administrative procedures to manage their own local program.

Option 2 - Continue County Commitment to Providing Contractual Building Inspection Services. This option would require the rehire of vacant building inspector positions.

Ms. McGlothlin distributed a chart showing building permits for new housing and other types of building permits for the years 1991 through 1996 with cities and townships contracting with the County.

Commissioner Abrahamson asked what does it cost the County to do this building permit service? Commissioner Engstrom asked does the County gain or lose on this program?

Ms. McGlothlin indicated that the program is managed such that fees cover the service. Their experience has been that the building area has more than paid for itself. The fees that have been collected have covered the cost. There are no tax levies in this program.

Commissioner Engstrom stated he could see both sides of the issue as to whether or not the County should be in the service of providing building inspections. He feels this is a collaborative effort that is working. He thinks it should be continued.

Commissioner Hauser pointed out that collaboration doesn't mean that the County does it. There are other ways in which these communities could collaborate.

Commissioner Hegberg indicated he would like the County to get out of the building inspection business. He suggested that the County contract with somebody and manage the contract for some of the townships or cities that are smaller. That way the County does not get itself into the position of hiring an employee.

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Commissioner Abrahamson feels the County has done a good job on building inspections and things are working well. He feels there is a standard being met throughout the County. The program is paying for itself and doesn't cost the taxpayers any money.

Commissioner Engstrom moved that the County continue providing contractual building inspection services and that staff explore ways to become more competitive in this area. Commissioner Abrahamson seconded the motion. The motion was discussed.

Commissioner Hegberg feels that the County is doing less and less of the building inspections. He would be open to looking at contracting with somebody and doing it that way instead of an employee. He will not vote for the motion.

Commissioner Hauser stated she will speak against the motion and suggested that some of Commissioner Hegberg's suggestions of either looking for a contractor or looking for other ways to accomplish this perhaps even facilitating some kind of collaborative.

Commissioner Peterson asked if one or two positions would be replaced if the County continued to do building inspections? Ms. McGlothlin stated at this point they would likely replace only one position.

Commissioner Peterson asked if a special project person was hired could this position be reviewed again in a year? Ms. McGlothlin indicated that would be an option.

Commissioner Hegberg asked that the question be called. The motion for the County to continue providing contractual building inspection services and that staff explore ways to become more competitive in this area failed on a 3-2 vote as follows: Yes, Commissioners Engstrom and Abrahamson; No, Commissioners Hegberg, Hauser and Peterson.

Commissioner Hegberg moved to discontinue building inspection services as a function of County government effective January 1, 1999, and authorized the Department of Health, Environment and Land Management to hire special project staff to continue the necessary level of building inspection service for 1998. Commissioner Hauser seconded the motion.

Ray Smith, Lake St. Croix Beach - Mr. Smith stated he was a former mayor of Lake St. Croix Beach and has been politically active for many years. He believes this is a cost effective program and does not cost the taxpayers anything. If the City of Lake St. Croix Beach has to get a new building inspector they will have to get someone with the expertise that is going to be nil compared to the expertise that HELM has got now. He asked where can they go to get someone who has plumbing experience, building experience,

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and electrical experience? All they will get is somebody who is more interested in the fees than what is actually going on in the County. He feels the County is building on a uniform method and should be proud of that. He feels the Board is throwing away a quality feature that the County possess.

Dawn Beedle, Mayor, Lake St. Croix Beach - Ms. Beedle agreed with Mr. Smith and she emphasized the costs that would be incurred by the cities. She does not think it's impossible for all of these communities to collaborate to do this in the future, but right now she is working to get four cities together to plan for something, and four is not very many, and she is having a problem with that. Doing something like that would take a long time and a lot of planning. She feels that because this has been in place for a long time, and they do a good job, she would like to see it continued into the future. They are dependent upon the County for this service, it is cost effective for them and they passed a resolution at last night's council meeting to that effect.

Linda O'Donnell, Clerk, Lake St. Croix Beach - Ms. O'Donnell stated she has been a Clerk for the City of Lake St. Croix Beach for 11 years. They have always used the County for building permits and inspections. Speaking for the residents, she believes they have very consistent service, they know right where to go and County staff is always very helpful. If the City were to lose this service, the activity would increase a lot. There is not a lot of vacant properties so there are not a lot of new building permits, but there are substandard structures and small buildings with a lot of requests for building permits for remodeling and improving the homes. She stated this will add an awful lot of work to the offices. She sees the benefit of maintaining a department here at the County rather than starting ten different departments elsewhere in the County.

Pat Bantli, Clerk, Stillwater Township - Ms. Bantli stated she is here representing herself, the Town Board has not made a decision on this. The Town Board is surprised this was happening since they had just sent in a contract for building inspection services. They have been happy with the services by the County and appreciated the help. She has been the Clerk in Stillwater Township since 1974. They have had two building inspectors from out of the area and there have been things that have come back to haunt them. She is really disappointed.

The motion to discontinue building inspection services as a function of County government effective January 1, 1999, and authorization for the Department of Health, Environment and Land Management to hire special project staff to continue the necessary level of building inspection service for 1998 was approved 3-2 with the vote as follows: Yes, Commissioners Hegberg, Peterson and Hauser; No, Commissioners Abrahamson and Engstrom.

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GENERAL ADMINISTRATION

Grant Agreement with the Board of Water and Soil Resources for Joint Ditch No. 1

Commissioner Hegberg moved to approve the grant agreement with the Board of Water and Soil Resources in the amount of \$200,000 to Chisago and Washington Counties for the abandonment of Joint Ditch No. 1, and authorize the County Board Chair and the County Administrator to execute the agreement on behalf of Washington County. Commissioner Hauser seconded the motion and it was adopted unanimously.

Mr. Schug informed the Board that Chisago County was expected to take action on this matter at its Board meeting tomorrow, December 17, 1997.

Adoption of the 1998 Budget

Commissioner Engstrom moved to adopt **Resolution No. 97-169** as follows:

**Resolution Adopting the Washington County
Budget for Payable 1998**

<u>OPERATING FUNDS</u>	<u>EXPENDITURES</u>	<u>REVENUE OTHER THAN LEVY</u>	<u>FUND BALANCE INC./DEC.</u>	<u>GROSS LEVY</u>	<u>HACA</u>	<u>CERTIFIED LEVY</u>
General Government	\$53,792,100	\$27,368,900	(\$1,717,500)	\$24,705,700	\$3,670,081	\$21,035,620
Workforce Center	1,189,000	1,060,700	0	128,300	19,059	109,241
Veterans Services	<u>133,400</u>	<u>0</u>	<u>0</u>	<u>133,400</u>	<u>19,817</u>	<u>113,584</u>
General Government Total:	55,114,500	28,429,600	(1,717,500)	24,967,400	3,708,957	21,258,445
Social Services	25,100,900	13,556,000	(431,400)	11,113,500	1,650,932	9,462,568
Public Works-Road & Bridge	13,863,200	9,279,400	(330,000)	4,253,800	631,910	3,621,890
Public Works-Parks	2,460,600	1,316,700	(671,600)	472,300	70,161	402,139
Regional Rail Authority	13,300	0	186,700	200,000		200,000
Library	3,926,700	254,600	0	3,672,100	\$45,498	3,126,602
Debt Service - County Wide	6,916,500	1,000,100	460,600	6,377,000	947,316	5,429,684
Debt Service - Library District	158,000	12,800	(25,200)	120,000	17,826	102,174
Brown's Creek Watershed District	<u>81,000</u>	<u>0</u>	<u>0</u>	<u>81,000</u>	<u>0</u>	<u>81,000</u>
Subtotal:	\$107,634,700	\$53,849,200	(\$2,528,400)	\$51,257,100	\$7,572,600	\$43,684,500
<u>CAPITAL FUNDS</u>						
CIP Bond Project	747,000	0	(747,000)	0	0	0
Historic Courthouse Restoration	57,000	58,200	1,200	0	0	0
Park Land Acquisition	0	0	0	0	0	0
Capital Repair Fund	<u>240,000</u>	<u>250,000</u>	<u>10,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal:	\$1,044,000	\$308,200	(\$735,800)	\$0	\$0	\$0
Total 1998 Budget	<u>\$108,678,700</u>	<u>\$54,157,400</u>	<u>(\$3,264,200)</u>	<u>\$51,257,100</u>	<u>\$7,572,600</u>	<u>\$43,684,500</u>

Commissioner Hauser seconded the motion and it was adopted unanimously.

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Adoption of Washington County Tax Levies for 1998

Commissioner Hauser moved to adopt **Resolution No. 97-170** as follows:

Resolution Certifying Property Tax Levies for
Washington County Payable 1998

The Washington County Board of Commissioners does hereby certify to the Washington County Auditor-Treasurer the following tax levies for payable 1998:

Washington County	\$ 43,403,500
Washington County Regional Rail Authority	200,000
Brown's Creek Watershed Management District	81,000
Washington County Special Levy for the Washington County Housing and Redevelopment Authority	200,000

Commissioner Hegberg seconded the motion and it was adopted unanimously.

Adoption of Washington County Housing and Redevelopment Levy for 1998

Commissioner Hegberg moved to adopt **Resolution No. 97-171** as follows:

Resolution Certifying Property Tax Levy for
Washington County Housing and Redevelopment Authority
Payable 1998

The Washington County Board of Commissioners does hereby certify to the Washington County Auditor-Treasurer the following proposed tax levy for payable 1998:

Washington County Housing and Redevelopment Authority	\$1,102,556
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Commissioner Engstrom seconded the motion and it was adopted unanimously.

1998 Salaries for Elected County Officers and Their Appointed Assistants

Commissioner Hauser moved to increase the salaries of the County Attorney, Auditor-Treasurer, Recorder/Abstractor and the Sheriff by 2.5% effective January 1, 1998. Commissioner Engstrom seconded the motion.

Commissioner Hegberg stated that 2.5% is what they settled on for the union contracts, but he does not think that considers the merit and steps that they have. He would be more inclined to go with 3.5%.

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Commissioner Hauser stated that it is the public that gives the merit. They do not earn merit from this Board, they earn that at the polls.

Commissioner Hegberg moved to amend the motion to increase the salaries of the County Attorney, Auditor-Treasurer, Recorder/Abstractor and the Sheriff by 3.5% effective January 1, 1998. Commissioner Peterson seconded the motion.

Commissioner Hegberg said he should have stated this was a step increase rather than merit. Other employees do receive increases of approximately 2% for that over all. He thinks the staff has done an excellent job. He does believe that 3.5% is fair.

Commissioner Hauser feels that Washington County is in line with its neighbors and she thinks that is also one of the yardsticks the Board should use.

The motion to amend the motion to increase the salaries of the County Attorney, Auditor-Treasurer, Recorder/Abstractor and the Sheriff by 3.5% effective January 1, 1998, failed on a 3-2 vote as follows: Yes, Commissioners Hegberg and Peterson; No, Commissioners Abrahamson, Hauser and Engstrom.

The motion to increase the salaries of the County Attorney, Auditor-Treasurer, Recorder/Abstractor and the Sheriff by 2.5% effective January 1, 1998 was adopted unanimously.

Commissioner Hegberg moved to increase the salary of the County Recorder/Abstractor by an additional 2.5% effective January 1, 1998. The motion failed for lack of a second.

Commissioner Engstrom moved to increase the salary of the Deputy Auditor/Treasurer by 5% effective January 1, 1998. Commissioner Abrahamson seconded the motion.

Commissioner Hegberg stated he would speak against it because the County Recorder/Abstractor would be making less than the Deputy Auditor/Treasurer and he does not think that would be appropriate.

The motion to increase the salary of the Deputy Auditor/Treasurer by 5% effective January 1, 1998 was adopted 3-2 with the vote as follows: Yes, Commissioners Abrahamson, Engstrom and Peterson; No, Commissioners Hegberg and Hauser.

Commissioner Peterson indicated she would like to revisit the County Recorder/Abstractor's salary.

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Commissioner Abrahamson moved that the First Assistant Attorney's salary would be at 90% of the County Attorney's salary, the Chief Deputy Sheriff's salary would be at 90% of the Sheriff's salary and increase the Executive Assistant to the County Attorney's salary by 2.5% effective January 1, 1998. Commissioner Engstrom seconded the motion and it was adopted unanimously.

Commissioner Engstrom moved to increase the Deputy Recorder's salary by 4% effective January 1, 1998. Commissioner Abrahamson seconded the motion and it was adopted unanimously.

Commissioner Hegberg moved to increase the County Recorder/Abstractor's salary an additional 2.5% for a total of 5% effective January 1, 1998. Commissioner Peterson seconded the motion and **Resolution No. 97-172** was adopted unanimously:

1998 Salaries for the Elected County Officers

WHEREAS, Minnesota Statutes § 388.18, 384.151, 385.373, 386.015, and 387.20 require the County Board of Commissioners to set by resolution the salaries of the County Attorney, the Auditor/Treasurer, the Recorder/Abstractor, and the Sheriff.

NOW, THEREFORE, BE IT RESOLVED that the 1998 salaries for the Washington County elected officers shall be as follows, effective January 1, 1998.

Attorney	\$96,658
Auditor/Treasurer	\$84,050
Recorder/Abstractor	\$61,346
Sheriff	\$86,151
First Assistant Attorney	\$86,992
Executive Assistant to the Attorney	\$42,866
Deputy Auditor/Treasurer	\$60,083
Deputy Recorder	\$36,609
Chief Deputy Sheriff	\$77,536

1998 Salary for the County Administrator

Commissioner Engstrom moved to increase the County Administrator's salary by 2.5% with an additional 2% merit effective January 1, 1998. Commissioner Hegberg seconded the motion and it was adopted unanimously.

County Administrator	\$98,551 (2.5% increase, 2% merit)
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County Commissioners' Salaries and Expense Reimbursement for 1998

Commissioner Hauser moved to adopt **Resolution No. 97-173** as follows:

Resolution Establishing County Commissioners'
Salaries and Expenses for 1998

WHEREAS, Minnesota Statute 375.055, Subdivision 1, requires the County Board of Commissioners to set salaries, per diem payments,, and expense reimbursement for its members prior to January 1 of the effective year.

NOW, THEREFORE, BE IT RESOLVED that the salary rate for Washington County Commissioners be \$38,375/year for Commissioners and \$40,902/year for the Chair, effective January 1, 1998.

BE IT FURTHER RESOLVED, that the expense reimbursement for County Commissioners be for actual expenses plus mileage in accordance with County policy with no per diem payments.

BE IT FURTHER RESOLVED, that each of the County Commissioners receive the same County paid medical insurance premium and flexible medical expense account as received by the appointed and elected department heads.

Commissioner Hegberg seconded the motion and it was adopted 4-1 with the vote as follows: Yes, Commissioners Hegberg, Peterson, Hauser and Engstrom; No, Commissioner Abrahamson.

DISCUSSION FROM THE AUDIENCE

Rick Vanzwol, City of Grant, stated he has attended these meetings many times during the past year and has dealt with various staff, he just wanted to say he was pleased with the cooperation he has gotten from staff in every aspect. He's told some of those people that and he wanted to tell the Commissioners the same thing. He feels that the spirit of helping the citizens comes from the County Board. He just wanted to thank the Board.

COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Engstrom noticed that his stop sign request for Neal and Hudson Road has been set for a workshop on January 6.

Commissioner Engstrom informed the Board that the Washington County Housing and Redevelopment Authority has appointed a new Executive Director, Jonathan Elam. He also stated that restructuring has been taking place at the HRA with a few layoffs. He will keep the Board updated on this matter.

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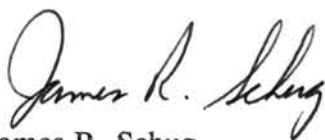
BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Abrahamson moved to adjourn, seconded by Commissioner Hauser and it was adopted unanimously. The Board meeting adjourned at 10:25 a.m.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
DECEMBER 23, 1997

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government, County Board Room. Present were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Absent none. Board Chair Peterson presided. Also present were James Schug, County Administrator; Virginia Erdahl, Deputy Administrator; Richard Arney, County Attorney; Don Theisen, Deputy Public Works Director; Mary McGlothlin, Director of Health, Environment and Land Management; Lowell Johnson, HELM Division Manager; Judy Honmyhr, Human Resources Director; Russ Reetz, Court Services Director; Dan Papin, Community Services Director; Bob Turrentine, Assistant County Attorney; Jim Frank, County Sheriff; and Tim Casey, Public Information Specialist.

CONSENT CALENDAR

Commissioner Abrahamson moved, seconded by Commissioner Hauser to adopt the following Consent Calendar:

1. Approval of the December 2 and 9 Board meeting minutes and approval of the December 9, 1997 Truth in Taxation meeting minutes.
2. Approval of appointment/reappointments to County Advisory Committees for 1998 as follows:

District 1

Sandra Swenson, Forest Lake, reappointed to the Community Corrections Advisory Board to a third term expiring December 31, 1999;

Myrl Petersen, Forest Lake, reappointed to the Community Social Services Advisory Committee, to a second and final term expiring December 31, 2000;

Diana Van Wormer, Stillwater, reappointed to the Emergency Medical Services Advisory Council, to a third and final term expiring December 31, 1999;

Patrick Taylor, Stillwater, reappointed to the Historic Courthouse Advisory Council, to a second term expiring December 31, 1999;

Margaret Vogel-Martin, Forest Lake, reappointed to the Parks and Open Space Commission, to a first full term expiring December 31, 2000;

Lloyd Nelson, Forest Lake, reappointed to the Planning Advisory Commission to a second term expiring December 31, 2000;

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District 2

Randall LaFoy, Birchwood, appointed to the Community Corrections Advisory Board, to a first term expiring December 31, 1999;

Jane Nicholson, Mahtomedi, reappointed to the Community Social Services Advisory Committee to a first full term expiring December 31, 2000;

Elizabeth Semotink, Oakdale, reappointed to the Emergency Medical Services Advisory Council, to a third and final term expiring December 31, 1999;

Sherry Timmerman, Oakdale, reappointed to the Historic Courthouse Advisory Council to a second term expiring December 31, 1999;

Harry Melander, Mahtomedi, appointed to the Washington County Housing and Redevelopment Authority Board to a first term expiring December 31, 2002;

District 3

Janet Robert, Oak Park Heights, reappointed to the Community Corrections Advisory Board to a second term expiring December 31, 1999;

Diane Anderson, Stillwater, reappointed to the Emergency Medical Services Advisory Council to second term expiring December 31, 1999;

John Hall, Stillwater, reappointed to the Parks and Open Space Commission to a third term expiring December 31, 2000;

Joni Polehna, Stillwater, reappointed to the Public Health Advisory Committee to a second term expiring December 31, 1999;

District 4

Dick Danzl, Cottage Grove, appointed to the Historic Courthouse Advisory Council to a first term expiring December 31, 1999;

Judy Layton, St. Paul Park, reappointed to the Planning Advisory Commission to a first full term expiring December 31, 2000;

Liza Ring, Cottage Grove, reappointed to the Public Health Advisory Committee to a first full term expiring December 31, 1999;

District 5

Byron Webster, Afton, reappointed to the Historic Courthouse Advisory Council to a second term expiring December 31, 1999;

Larry Steltzner, Afton, reappointed to the Library Board, to a second term expiring December 31, 2000;

Gigi Scanlan, Woodbury, reappointed to the Parks and Open Space Commission to a second term expiring December 31, 2000;

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Susan Horn, Denmark Township, appointed to the Planning Advisory Commission to a first term expiring December 31, 2000;

At Large

Thomas Niedzwiecki, Marine on St. Croix, reappointed to the Internal Audit Advisory Committee to a third term expiring December 31, 1999;

Ellery July, Cottage Grove, reappointed to the Minnesota Extension Committee, to a first full term expiring December 31, 2000;

Robert Marzolf, Scandia, reappointed to the Minnesota Extension Committee, to a second term expiring December 31, 2000;

Glen Brown, Cottage Grove, reappointed to the Noxious Weed Appeal Committee, to a second term expiring December 31, 1999;

Thomas Vaaler, Woodbury, reappointed to the Personnel Board of Appeals, to a term expiring December 31, 2000;

Affirmation of the following committee appointments:

Tim Bess, Academic Administration, reappointed to the Community Corrections Advisory Board, to a term expiring December 31, 1999;

Greg Schmidt, Public Defender, reappointed to the Community Corrections Advisory Board, to a term expiring December 31, 1999;

James Frank, County Sheriff, reappointed to the Community Corrections Advisory Board, to a term expiring December 31, 1999;

Thomas VanLeer, Minority Representative, reappointed to the Community Corrections Advisory Board, to a term expiring December 31, 1999;

Sally Borich, Community Services Department, reappointed to the Community Corrections Advisory Board, to a term expiring December 31, 1999;

Floyd Bates, Consumer Representative, reappointed to the Mental Health Advisory Council to a second and final term expiring December 31, 2000.

3. Approval for County's Risk Manager to approve any waiver or modification of insurance requirements as they pertain to Policy 1201, Contract Administration Guidelines.
4. Adoption of **Resolution No. 97-174** and approval of the budget amendments necessary to implement the Law:

December 23, 1997

1997 Minnesota Laws Chapter 3, Section 27

WHEREAS, the 1997 Minnesota Legislature, in the First Special Session, enacted 1997 Minnesota Laws Chapter 3, Section 27 which is special legislation allowing Washington County the discretion to implement a procedure to restrict disclosure of taxpayers' name, address and other information requests; and

WHEREAS, the special legislation requires approval of the legislation by the Washington County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners grants its approval of 1997 Minnesota Laws Chapter 3, Section 27.

5. Approval of applications for homestead classifications and waste management fees as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Amount</u>
R 05.027.20.43.0001	Tichenor, Mary	\$ 762.00
R 05.027.20.31.0001	Tichenor, Mary	252.00
R 05.027.20.34.0001	Tichenor, Mary	94.00
R 05.027.20.24.0001	Tichenor, Mary	144.00
R 05.027.20.43.0002	Tichenor, Mary	2.00
R 17.029.21.22.0043	Steinmaus, Joseph	1,178.00
R 88.088.88.00.1284	Blume, Carleen	158.00
R 33.030.20.14.0022	Markuson, Joel P.	1,004.00
R 21.030.20.13.0052	Zoltai, Margaret	636.00
R 03.028.21.21.0095	Kizer, Amy	768.00

6. Approval of 1998-1999 agreement with TriMin Systems, Inc. for computer programming and technical assistance in maintaining the social welfare system.
7. Approval of contract amendment with Human Services, Inc. for the provision of adult community support program services in Washington County.
8. Approval of contract with Rule 36 Limited Partnership of Duluth III for residential services at Hamilton House in Lake Elmo.
9. Approval of contract with Washington County Housing and Redevelopment Authority to provide housing subsidies for individuals with a serious and persistent mental illness.
10. Approval to advertise for bids for reconstruction work on CSAH 2.
11. Adoption of **Resolution No. 97-175** as follows:

December 31, 1997

Final Payment to Tower Asphalt, Inc. for Road
Reconstruction on CSAH 14 & CSAH 21 in Baytown Township

WHEREAS, the Washington County Board of Commissioners, on January 14, 1997, signed a contract with Tower Asphalt, Inc. for the road construction on CSAH 14 and 21 in Baytown Township; and

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

NOW, THEREFORE BE IT RESOLVED, that Tower Asphalt, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

12. Adoption of **Resolution No. 97-176** as follows:

Final Payment to Tower Asphalt, Inc. for Road Reconstruction on
CSAH 14 and CSAH 15 and Northbrook Boulevard in Baytown Township

WHEREAS, the Washington County Board of Commissioners, on September 3, 1996, signed a contract with Tower Asphalt, Inc. for the road reconstruction on CSAH 14 and CSAH 15 and Northbrook Boulevard in Baytown Township; and

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

NOW, THEREFORE BE IT RESOLVED, that Tower Asphalt, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

13. Adoption of **Resolution No. 97-177** as follows:

Final Payment to Tower Asphalt, Inc. for Road Reconstruction
on CSAH 5 in Stillwater Township and CSAH 6 in Oakdale

WHEREAS, the Washington County Board of Commissioners, on June 10, 1997, signed a contract with Tower Asphalt, Inc. for the road reconstruction on CSAH 5 in Stillwater Township and CSAH 6 in Oakdale, and,

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

NOW, THEREFORE BE IT RESOLVED, that Tower Asphalt, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

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14. Adoption of **Resolution No. 97-178** as follows:

Final Payment to Nieman Roofing, Inc. for Reroofing at
Public Works North Shop in Stillwater

WHEREAS, the Washington County Board of Commissioners, on August 11, 1997, signed a contract with Nieman Roofing, Inc. for the reroofing at Public Works North Shop in Stillwater; and

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

NOW, THEREFORE BE IT RESOLVED, that Nieman Roofing, Inc. be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

15. Adoption of **Resolution No. 97-179** as follows:

Final Payment to Brothers Fire Protection Company for
Sprinkler System for the Historic Courthouse

WHEREAS, the Washington County Board of Commissioners, on February 4, 1997, signed a contract with Brothers Fire Protection Company for the provision and installation of a fire protection sprinkler system within the Historic Courthouse in Stillwater; and

WHEREAS, the work involved has been satisfactorily completed per the project specifications and all subcontractors have been paid per the contract documents; and

NOW, THEREFORE BE IT RESOLVED, that Brothers Fire Protection Company be paid in full for the said contract work in the amount due indicated on the final payment voucher which is attached herewith and is hereby a part of this resolution.

16. Bids were received for fuel supplies for the Public Works and Sheriff's Departments as follows:

Bidder	Bid Item 1 South Shop			Bid Item 2 North Shop			Bid Item 3 Sheriff		Bid Item 4 Parks		
	Winter Dsl	#2 Dsl	Unlead 89 Oct.	Winter Dsl	#2 Dsl	Unlead 89 Oct.	Unlead 89 Oct.	Unlead 90 Oct.	Winter Dsl	#2 Dsl	Unlead 89 Oct.
Kath Bros Fuel	.0075	.0075	.0075	.0075	.0075	.0075	.0065	.0065	.02	.02	.02
Rollins Oil	.010	.010	.010	.010	.010	.010	.0075	.0075	.10	.10	.10
Yocum Oil	.0105	.0105	.0105	.0105	.0105	.01011	.0100	.0100	.0800	.0800	.0800

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Adoption of **Resolution No. 97-180** as follows:

Award of Contract for 1998 Fuel Supply
to Kath Brothers Fuel Company

WHEREAS, in order to procure fuel supplies at the best possible pricing to the County for the Public Works and Sheriff's Departments, the County solicited bids for this project; and

WHEREAS, bids were opened on December 16, 1997, with Kath Brothers Fuel Oil Company being the lowest responsible bidder; and

NOW, THEREFORE BE IT RESOLVED, that the bid of Kath Brothers Fuel Oil Company be accepted and the County enter into a contract with Kath Brothers Fuel Oil Company under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the County and Kath Brothers Fuel Oil Company be executed through the signatures of the Chairperson 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.

17. Adoption of **Resolution No. 97-181** as follows:

Reject Bids for Exterior Wash Bay Construction
at the Public Works North Shop

WHEREAS, in order to complete construction of an exterior wash bay at Public Works North Shop, the County solicited bids for this project; and

WHEREAS, bids were opened on December 16, 1997 with eleven bids received and all of the bids received exceeded the existing project budget; and

NOW, THEREFORE BE IT RESOLVED, that all bids received be rejected and no contracts be entered into for this construction project.

18. Adoption of **Resolution No. 97-182** as follows:

Reject Bids for CCTV System for Jail Area of
the Law Enforcement Center

WHEREAS, in order to provide a CCTV System for the jail area at the Law Enforcement Center, the County solicited bids for this project; and

WHEREAS, bids were opened on December 16, 1997, and after bid letting it was discovered that an error in the bid specification caused bids to be opened prior to letting time indicated in the specifications; and

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NOW, THEREFORE BE IT RESOLVED, that all bids received be rejected and permission to readvertise be granted.

19. Bids were received for audio assistive listening system for the Courts area as follows:

Bidder	Impulse Group, Inc.	Dascom
Table 1		
Equipment	\$19,345.62	\$24,123.10
Labor	4,670.00	4,500.00
Table 2		
Equipment	\$17,198.83	\$22,198.54
Labor	3,965.00	4,300.00
Alt. 1 Table 3		
Equipment	\$15,564.47	\$20,998.25
Labor	3,410.00	4,000.00
Total	\$64,153.92	\$80,119.89

Adoption of **Resolution No. 97-183** as follows:

Award of Contract for Audio Assistive Listening System
to Impulse Group, Inc.

WHEREAS, in order to complete the addition of an Audio Assistive Listening System within the Courts area, the County solicited bids for this project; and

WHEREAS, bids were opened on December 16, 1997, with Impulse Group, Inc. being the lowest responsible bidder; and

NOW, THEREFORE BE IT RESOLVED, that the bid of Impulse Group, Inc. be accepted and the County enter into a contract with Impulse Group, Inc. under the terms and conditions set forth in the bid specification documents; and

BE IT FURTHER RESOLVED, that the contract between the County and Impulse Group, Inc. be executed through the signatures of the Chairperson 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.

20. Approval to extend the Best Group Office lease at the Historic Courthouse for three months.
21. Approval to apply and accept a grant from the Minnesota Auto Theft Prevention Program in the amount of \$17,500.

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The foregoing Consent Calendar was adopted unanimously.

HUMAN RESOURCES DEPARTMENT

Commissioner Abrahamson moved to approve the attraction/retention salary ranges for the classifications of Survey and Land Information Coordinator and Community Health Specialist and authorization to exceed Step D, if needed, in the hiring process. Commissioner Engstrom seconded the motion and it was adopted unanimously.

HEALTH, ENVIRONMENT AND LAND MANAGEMENT DEPARTMENT

Mary McGlothlin, Director of Health, Environment and Land Management, indicated that the Board held a public hearing on December 2, 1997 to consider the adoption of the proposed County Subdivision Ordinance. The Board kept the public hearing open for written comments until December 9, 1997. She stated that staff has received letters from private surveyors and meetings were held with the Minnesota Department of Transportation and New Scandia Township on Monday, December 8 to discuss questions they had on the ordinance. As a result of those meetings six changes have been made to the proposed ordinance.

Ms. McGlothlin presented six changes which have been made to the proposed subdivision ordinance.

- 1) Page 6, Section 4, Administration, subpart 4.4, language was added at the request of the New Scandia Township "Subdivision review shall be coordinated with the local township. Township approval of all phases of plat approval is required and shall be in sequence with County approval. Final plat approval will not be granted until final plat approval is granted by the township."
- 2) In previous drafts of the ordinance the words "community, local government and governing body" were used interchangeably to mean at the township level. The language has been changed in all references where those three terms were used to "township" to make it more clear.
- 3) Page 20, Section 10.1, subpart 7 the word "bituminous" was added.
- 4) Page 11, Section 7.1, 2(d) - distance was increased from 100 to 300 feet.
- 5) Page 16, street standards - The township requested consideration in lowering these standards. After discussion with the Public Works Department it was decided to leave them as they were. The township was advised that there is an allowance made in the Zoning Ordinance for street standards to be modified as part of an open space design.

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- 6) Page 17, Access Spacing Guidelines - The Minnesota Department of Transportation was concerned with this section. Previous drafts referred to "Functional Classification of County Highways". To alleviate their concerns that this would not pertain to state highways, the word "County" was taken out.

Commissioner Hegberg suggested that under street standards a cross-reference be made to the Zoning Ordinance where street standards can be reduced for open space design.

Ms. McGlothlin stated that would be a technical change and they could do that.

Commissioner Hauser moved to adopt **Resolution No. 97-184** as follows:

Resolution Adopting Chapter Three of the
Washington County Development code
Subdivision Regulations

WHEREAS, Washington County is authorized to carry on planning and zoning activities in the unincorporated areas of the County, pursuant to MINN. STAT. 394; and

WHEREAS, MINN. STAT. § 473.851, *et seq.* requires the County's planning and zoning activities to be consistent with the Metropolitan System Statement Plan; and

WHEREAS, in order to implement this requirement, counties are required to adopt a comprehensive plan; and

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

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

WHEREAS, on October 14, 1997, effective October 20, 1997, Washington County adopted the Washington County Development Code, Chapters One and Two, dealing with the administration of the Washington County Development Code and zoning map districts and uses, density and lot requirements and performance standards; and

WHEREAS, in order to more fully implement the regulations contained in their official controls, counties are authorized by MINN. STAT. CHAPT. 394 and CHAPT. 505 to establish standards and procedures dealing with the subdivision of land and the approval of plats; and

WHEREAS, on September 23, 1997, after conducting public hearings, the Washington County Planning Advisory Commission referred a draft of the Washington County Subdivision Ordinance to be included in the

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Washington County Development Code as Chapter Three to the Washington County Board, with their recommendations, as required by MINN. STAT. § 394.25;

WHEREAS, on December 2, 1997, the Washington County Board of Commissioners conducted a public hearing to consider adopting subdivision regulations by ordinance, to be included in the Washington County Development Code Chapter Three.

NOW, THEREFORE, BE IT RESOLVED, that for the purposes of implementing the Washington County 2015 Comprehensive Plan, pursuant to the authority granted in MINN. STAT. CHAPT. 394 and CHAPT. 505, the Washington County Board of Commissioners ordains:

1. The Washington County subdivision regulations attached hereto are adopted in their entirety as Washington County Ordinance No. 131, to be included in the Washington County Development Code as Chapter Three.
2. The Washington County subdivision regulations as adopted shall be effective from and after the 1st day of January, 1998, after its publication according to law.
3. From and after its effective date, the previous Washington County subdivision regulations previously adopted by Washington County Ordinance No. 48 and all amendments thereto are repealed.

BE IT FURTHER RESOLVED that these regulations adopted as Chapter Three to the Washington County Development Code be submitted to the Metropolitan Council within thirty (30) days of its final adoption, as required by law.

Commissioner Engstrom seconded the motion and it was adopted unanimously.

SHERIFF'S OFFICE

Jim Frank, County Sheriff, presented a brief overview of the proposed contract with Ramsey County to extend the current agreement to rent jail bed space in the Washington County Law Enforcement Center. The proposed agreement increases the number of beds from 20 to 35 on April 20, 1998, with the possibility of 50 beds guaranteed for 1999.

Commissioner Hauser moved to authorize the County Board Chair, County Administrator and County Sheriff to sign the 1998-1999 agreement with Ramsey County for the rental of jail bed space. Commissioner Engstrom seconded the motion and it was adopted unanimously.

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GENERAL ADMINISTRATION**Valley Branch Watershed District Board of Managers Appointment**

Commissioner Hauser moved to appoint Daniel Winter, Mahtomedi, to fill an unexpired term on the Valley Branch Watershed District Board of Managers to November 13, 1999. Commissioner Hegberg seconded the motion.

Commissioner Engstrom stated that he did not have anything against Dan Winter, but this Board has made an issue in the past of which district a person lives in and has tried to spread representation throughout the watershed district geographically. He believes there were two very capable candidates from the areas that are not represented, Afton and Mahtomedi. He commented that Afton is about a third of that watershed district and Mahtomedi has a very small amount. Commissioner Engstrom stated he will not support the appointment of Dan Winter, not because he's not qualified, but he believes the representation should go to the person from Afton.

The motion to appoint Daniel Winter, Mahtomedi, to fill an unexpired term on the Valley Branch Watershed District Board of Managers to November 13, 1999 was adopted 4-1 with the vote as follows: Yes, Commissioners Abrahamson, Hegberg, Peterson and Hauser; No, Commissioner Engstrom.

Rice Creek Watershed District Board of Managers Appointment

Commissioner Engstrom moved to reappoint Robert Hult, Forest Lake Township, to the Rice Creek Watershed District Board of Managers to a second term expiring January 17, 2001. Commissioner Hegberg seconded the motion and it was adopted unanimously.

DISCUSSION FROM THE AUDIENCE

David "Chock" Junker, Stillwater, spoke against the Commissioners' pay increase approved at last week's Board meeting. Mr. Junker stated that the market value of his house is going up and he can't afford it. He also stated that the County jail that was built four or five years ago was built because the County was short of jail space. Now the County is renting 100 beds out. He does not believe that's what the jail was built for.

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COMMISSIONER REPORTS - COMMENTS - QUESTIONS

Commissioner Abrahamson asked that the County Board schedule a televised evening workshop with the County Assessor to discuss the evaluation process used to assess property.

Commissioner Hegberg stated there will be a meeting with the needs assessment committee of the Solid Waste Management Coordinating Board. He will provide the Board members with a copy of the proposed agreement that will be discussed at the next meeting.

Commissioner Engstrom indicated that the document Commissioner Hegberg referred to is a working document and is a stronger joint powers agreement. He thought it would be a good idea to schedule a workshop in January to receive input from the other Board members.

Commissioner Abrahamson thanked Commissioner Peterson for serving as Board Chair and commended her for a job well done.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Engstrom moved to adjourn seconded by Commissioner Abrahamson and it was adopted unanimously. The Board meeting adjourned at 10:00 a.m.

BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss Commissioner committee assignments for 1998. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Abrahamson, Hegberg, Peterson, Hauser and Engstrom. Also present were James Schug, Virginia Erdahl and Patricia Raddatz.

Attest:



James R. Schug

County Administrator



Myra Peterson, Chair

County Board