

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD  
WASHINGTON COUNTY, MINNESOTA  
NOVEMBER 16, 2010**

**REGIONAL RAILROAD AUTHORITY CONVENES**

The Washington County Regional Railroad Authority (RRA) met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Kriesel, and Weik. Commissioners Pulkrabek and Peterson absent. RRA Vice Chair Hegberg presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Mjyke Nelson, Information Technology Director; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Greg Wood, Building Services Manager; Ted Schoenecker, Transportation Manager; Tom Adkins, Community Corrections Director; Dan Papin, Community Services Director; Kay McAloney, Human Resources Director; Lowell Johnson, Director of Public Health and Environment; Jean Streetar, Program Manager; Judy Hunter, Senior Program Manager; Kevin Corbid, Director of Property Records and Taxpayer Services; Jennifer Wagenius, Division Manager; Sheriff Bill Hutton; and Yvonne Klinnert, Public Information Coordinator II. Official Proceedings of the Regional Railroad Authority are available in the Office of Administration.

The Board recited the Pledge of Allegiance.

**WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES**

The Washington County Board of Commissioners met in regular session at 9:07 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Kriesel, and Weik. Commissioners Pulkrabek and Peterson absent. Board Vice Chair Kriesel presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Mjyke Nelson, Information Technology Director; Don Theisen, Public Works Director; Wayne Sandberg, Deputy Public Works Director; Greg Wood, Building Services Manager; Ted Schoenecker, Transportation Manager; Tom Adkins, Community Corrections Director; Dan Papin, Community Services Director; Kay McAloney, Human Resources Director; Lowell Johnson, Director of Public Health and Environment; Jean Streetar, Program Manager; Judy Hunter, Senior Program Manager; Kevin Corbid, Director of Property Records and Taxpayer Services; Jennifer Wagenius, Division Manager; Sheriff Bill Hutton; and Yvonne Klinnert, Public Information Coordinator II.

**COMMENTS FROM THE PUBLIC**

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

**CONSENT CALENDAR**

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

1. Approval of the October 26, 2010 Board meeting minutes.
2. Approval of the 2011 insurance for the Supervisors Association as follows:

**2011 Health Insurance Contribution**

Aware \$25 OV copay: No change in contribution amount for 2011

Single	\$433/month
Employee + child(ren)	\$433/month
Employee + spouse	\$589/month
Family	\$619/month

Aware \$30 and \$35 copays, and \$500/75% plans:

Single	\$491/month
Employee + child(ren)	\$537/month
Employee + spouse	\$726/month
Family	\$851/month

2011 Flex credits: \$73

3. Adoption of **Resolution No. 2010-157** as follows:

Medical and Dependent Care Expense  
Reimbursement Plan

WHEREAS, Washington County Board previously adopted the Medical and Dependent Care Expense Reimbursement Plan ("Flex") on January 1, 1989; and

WHEREAS, Washington County desires to amend and restate such Plan to include the following:

- The Plan desires to amend and restate the Plan to incorporate all previous Summary of Material Modifications and to comply with the most recent and relevant regulatory changes since the last amendment and restatement of the Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Medical and Dependent Care Expense Reimbursement Plan be the same as amended and restated effective as of January 1, 2011; and

BE IT FURTHER RESOLVED, that any proper members of the County are hereby authorized to make such contributions from the funds of the County as are necessary to carry out the provisions of said plan at any time; and

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BE IT FURTHER RESOLVED, that in the event any conflict arises between the provisions of said Plan or any other applicable law or regulation (as such law or regulation may be interpreted or amended), the County shall resolve such conflict in a manner which complies with such law or regulation.

4. Approval to renew contract to purchase software licensing, maintenance, and support from Infor Global Technologies for the Infinium Application Manager, Human Resources/Payroll, Query and Infinium Self Service software through December 31, 2011.
5. Approval of consolidated extended service contract and website extended service contract with Vanguard Appraisals, Inc. for computer aided mass appraisal services for calendar year 2011.
6. Approval to enter into a lease agreement with Modular Space Corporation for the Sentence-to-Service trailer through the signatures of the Washington County Chair and County Administrator without further action of the County Board conditioned upon compliance with all lease specifications, requirements, and approval as to form by the Washington County Attorney's Office.

The foregoing Consent Calendar was adopted 3-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Weik, and Kriesel; Nays, none; Commissioners Peterson and Pulkrabek absent.

## **PUBLIC HEALTH AND ENVIRONMENT**

### **Set Public Hearing for Revisions to the Youth Access to Tobacco Ordinance**

Jean Streetar, Public Health and Environment Program Manager, presented an overview of the proposed changes to the Youth Access to Tobacco Ordinance #133 and #135. She requested that the County Board set a public hearing for December 21, 2010.

Commissioner Hegberg asked if this ordinance covers the herbal type cigarettes. Doug Johnson, County Attorney, stated there have been discussions about a county ordinance for this item. There is also activity on the state level and they feel that would be more appropriate. It is not covered in this ordinance.

Commissioner Kriesel asked if a community does not have an ordinance, then it would default to the county. Mr. Johnson stated that in some cases the legislature will give counties the authority to do a countywide ordinance. If the state legislature does not give the county board authority to pass a countywide ordinance then it cannot be done. That is the case here.

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Commissioner Kriesel asked if a follow-up is ever done on kids after they leave high school and go on to college to see if cigarette smoking dramatically increases. Ms. Streetar stated that group would be included in the 18 to 32 age group, and they have found there is often a spike in the use of tobacco products.

Commissioner Kriesel asked about Nicorette Gum or nicotine patches, would that be included in this ordinance. Ms. Streetar stated she was not sure if that would be covered.

George Kuprian, Assistant County Attorney, stated he believes that Nicorette is given by prescription; if not, he feels it should be covered by the county ordinance. He believes it would be a good idea to clarify that for the public hearing.

Commissioner Weik moved to set the public hearing for revisions to the Youth Access to Tobacco Ordinance for December 21, 2010. Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioners Pulkrabek and Peterson absent.

#### **Extension of the Fuel Supply Agreement**

Commissioner Hegberg moved to adopt **Resolution No. 2010-158** as follows:

Consent to Resource Recovery Technologies (RRT) to Seek an  
Extension of the Fuel Supply Agreement Between RRT and Xcel Energy  
as Provided in the Processing Agreement, Article IV, Section 4.01 (C)

WHEREAS, Ramsey and Washington Counties have committed to continue to protect and ensure the public health, safety, welfare and environment of each County's residents and businesses through sound management of solid and hazardous waste generated in the County, including the processing of waste; and

WHEREAS, the Counties have entered into a Processing Agreement with Resource Recovery Technologies, Inc. (RRT) for the term of January 1, 2007 through December 31, 2012, for the purpose of supporting the continued processing of waste through resource recovery, and which terminates the existing Service Agreement; and

WHEREAS, Article IV, Section 4.01 (C) of the Processing Agreement provides a process for the Counties to consent to any extension of the original term of the Fuel Supply Agreement between RRT and Xcel Energy (NSP); and

WHEREAS, on October 14, 2010 RRT requested in writing that the Counties consent to an extension of the Fuel Agreement, which extends at least through December 31, 2012; and

WHEREAS, RRT's October 14, 2010 extension request merely indicated its intent to seek an extension of the fuel agreement and was not an extension per se; and

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WHEREAS, RRT's extension request did not contain a date certain to which any proposed fuel agreement would run.

WHEREAS, the Counties have entered into a Joint Powers Agreement for the purpose of administering the Counties' rights and obligations under the Processing Agreement with RRT, and overseeing other joint solid waste activities; and

WHEREAS, Section V.D. of the Joint Powers Agreement provides that the County Boards retain a number of powers not delegated, which includes acting on consent noted in Article IV Section 401. (C) of the Processing Agreement.

NOW THEREFORE BE IT RESOLVED, The Washington County Board of Commissioners hereby grants its consent to RRT to seek an extension of the Fuel Supply Agreement between RRT and Xcel Energy as provided in the Processing Agreement, Article IV, Section 4.01 (C),

BE IT FURTHER RESOLVED, that the granting of this consent does not amend in any way the Processing Agreement, nor does it in any way obligate the Counties to any renewal or extension of the Processing Agreement beyond the termination of the Processing Agreement on December 31, 2012.

Commissioner Weik seconded the motion and it was adopted 3-0 with a Roll Call vote as follows: Ayes, Commissioners Hegberg, Weik, and Kriesel; Nays, none; Commissioners Pulkrabek and Peterson absent.

## **GENERAL ADMINISTRATION**

### **County Board Meeting Updates**

Jim Schug, County Administrator, reminded the Board that there would not be a County Board meeting on November 30 as it is the fifth Tuesday. Also, on December 9, which is a Thursday, the County Board will hold its regular meeting at 6:00 p.m. and that would also allow the public to comment on the proposed budget and preliminary levy that was set on September 14. That testimony is sought in advance of the County Board adopting the final 2011 budget on December 14.

Mr. Schug noted that the evening meeting is required by law, but is no longer called the Truth-in-Taxation meeting. Also, Tuesday, December 7 is the Association of Minnesota Counties Conference in St. Cloud and some of the Commissioners will be attending that meeting, so a decision was made to hold the County Board meeting and to receive public comments on the proposed 2011 budget on Thursday, December 9 at 6:00 p.m.

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**COMMISSIONER REPORTS – COMMENTS – QUESTIONS**

Commissioner Weik reported she attended the Minnesota Extension Committee meeting. Part of that meeting covered a review of the Snap-Ed (Supplemental Nutrition Assistance Program – Education). They continue to look for grant opportunities and she believes they are making progress on trying to fund an endowment for the 4-H Youth Program. She attended the Minnesota Inter-County Association (MICA) meeting. They distributed talking points and information on how to contact the legislators and suggested having a relationship and conversations with them before the session starts. They discussed having a formal position that the MICA members could look at on a legislative proposal to possibly sunset all mandates and then have the legislature go back and re-justify on an itemized list re-establishing mandates, which ones are critical, or if there needs to be a maintenance of effort instead of a mandate. They also discussed unallotments that may occur and that the State of Minnesota may stand to lose hundreds of millions of dollars if the Bush tax cuts are extended. The MICA annual meeting will be in Winona, the third week in February.

Commissioner Weik reported that Globe University buried a 100 year time capsule last week. They are celebrating 125 years in Minnesota. She attended an appreciation event for Mayor Bill Hargis last evening. She attended the Veteran's Day program last week at the Veteran's Memorial Plaza at the Woodbury City Hall.

Commissioner Hegberg met with constituents in Scandia on senior housing and he will bring their concerns to the Housing and Redevelopment Authority meeting today. He mentioned that the Minnesota Counties Intergovernmental Trust sent out dividend checks and Washington County's check was for \$605,998. This is the largest check they have paid out. He noted that they may be able to pay out that kind of dividend next year, but probably not as much after that. He noted that prior to the Board meeting today, they interviewed two applicants for the Valley Branch Watershed District Board of Managers.

Commissioner Kriesel stated last week he attended the Metropolitan Emergency Services Board meeting, the Mental Health Advisory Council, and on Veteran's Day he went to Leo's Malt Shop in Stillwater where they were giving free lunches to veterans, and presented the owner, Cory Buettner, with a Commissioners' Award.

**BOARD CORRESPONDENCE**

Board correspondence was received and placed on file.

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**ADJOURNMENT**

There being no further business to come before the Board, Commissioner Weik moved to adjourn, second by Commissioner Hegberg and it was adopted unanimously; Commissioners Pulkrabek and Peterson absent. The Board meeting adjourned at 9:49 a.m.

**BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION**

The Board met in workshop session with the Office of Administration to discuss Land and Water Legacy Program implementation strategies. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Kriesel, and Weik. Also present were Jim Schug, Molly O'Rourke, Jane Harper, Don Theisen, John Elholm, Wayne Sandberg, Sharon Price, Doug Johnson, Yvonne Klinnert, Steve Hobbs, Baldwin Conservancy, Jessica Thiel, Washington Conservation District, Amy Carolan, Washington Conservation Distract, Gloria Knoblauch, Lake Elmo resident, Jon Avise, Bulletin Newspapers, Marc Hugunin, Grant resident, and Mary Hauser, Parks and Open Space Commission.

Gary Kriesel, Vice Chair  
County Board

Attest:

James R. Schug  
County Administrator

