

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
JULY 27, 2010

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 Hegberg, Kriesel, and Peterson. Commissioners Pulkrabek and Weik absent. Board Vice Chair Kriesel presided. Also present were Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Barbara Dacy, Housing and Redevelopment Authority (HRA) Executive Director; Peter Cooper, (HRA) Counsel; Ben Johnson, Kennedy, & Graven County Bond Counsel; Patrick Singel, Deputy Community Services Director; Tom Adkins, Community Corrections Director; Patricia Conley, Library Director; Chief Deputy Sheriff Mike Johnson; Commander Brian Muller; Wayne Sandberg, Deputy Public Works Director; Cory Slagle, Transportation Manager; John Elholm, Parks Director; and Nancy Brase, Administrative Services Manager.

The Board recited the Pledge of Allegiance.

COMENTS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval of the 2010-2011 contract with Loving Care Cottage to provide 24-hour customized living to individuals on Medical Assistance waivers.
2. Approval of Amendment #2 to the Library's contract with Street Fleet courier delivery services for a period of three years.
3. Approval of 1-5 day temporary on-sale, 3.2 malt liquor license for the Greeder-Hinds-Comfort Post #323 for the Washington County Fair from August 4 through August 8, 2010.
4. Adoption of **Resolution No. 2010-109** as follows:

Close Park Land Acquisition and Development Fund 213
for Consolidation with County Parks Fund 211

WHEREAS, the Washington County Board of Commissioners approved creation of the Park Land Acquisition and Development Fund 213 in April of 1986; and

WHEREAS, the purpose of fund 213 has changed to also include parks operations and maintenance costs; and

WHEREAS, consolidating Park Land Acquisition and Development Fund 213 with County Park Fund 211 will eliminate the need to transfer funds between the two funds on an annual basis; and

WHEREAS, in accordance with County Policy #2802, no activity has occurred in fund 213 during the last audited period of 2009, and all assets and liabilities in fund 213 have been transferred or liquidated; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners authorizes the Accounting and Finance Department to close the Park Land Acquisition and Development Fund 213 for consolidation with County Parks Fund 211.

- 5. Bids were received for edgeline striping project on various county roads as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Century Fence Company	\$119,597.46
AAA Striping Service Company	\$120,341.30

Adoption of **Resolution No. 2010-110** as follows:

Bid Award for Edgeline Striping on Various
Washington County Roads to Century Fence Company

WHEREAS, in order to complete edgeline striping on various Washington County roads the county solicited bids for the project; and

WHEREAS, bids were opened on July 19, 2010, with Century Fence Company being the lowest responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the bid of Century Fence Company be accepted and the county enter into a contract with Century Fence 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 Century Fence Company be executed through the signatures of the Chairman 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.

- 6. Adoption of **Resolution No. 2010-111** as follows:

Metropolitan Council Recreation Open Space Acquisition
Grant Agreement Final Reimbursement for 'Parcel A'
Purchase St. Croix Bluffs Regional Park

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WHEREAS, Washington County Parks applied to the Metropolitan Council for a Recreation Open Space Acquisition Grant for final reimbursement of the purchase of 'Parcel A' for inclusion into the St. Croix Bluffs Regional Park; and

WHEREAS, the Metropolitan Council has made available a Recreation Open Space Acquisition Grant to Washington County for the described parcel purchase; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners authorize the Chair of the Washington County Board of Commissioners to sign on behalf of the county for Grant Agreement SG-2010-037 between Washington County and the Metropolitan Council conditioned upon approval as to form by the Washington County Attorney's office; and

BE IT FURTHER RESOLVED that the grant funds for the described parcel purchase be directed to Washington County without further action by the County Board.

7. Adoption of **Resolution No. 2010-112** as follows:

Metropolitan Council Recreation Open Space
Acquisition Grants

WHEREAS, Washington County Parks applied to the Metropolitan Council for Recreation Open Space Acquisition Grants for the partial reimbursement of the purchase price of the Appert property within the planned boundary of Grey Cloud Island Regional Park, and for the partial reimbursement of the Pontius property of the purchase price for the regional trail portion of the property; and

WHEREAS, the Metropolitan Council has made available Recreation Open Space Acquisition Grants to Washington County for the described parcel purchases; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners authorize the Chair of the Washington County Board of Commissioners and the County Administrator to sign on behalf of the county Metropolitan Council Grant Agreement SG-2010-045 for the Appert property and Metropolitan Grant Agreement SG2010-052 for the regional trail portion of the Pontius property, conditioned upon approval as to form by the Washington County Attorney's office; and

BE IT FURTHER RESOLVED, that the grant funds for the described parcel purchases be directed to Washington County without further action by the County Board.

8. Adoption of **Resolution No. 2010-113** as follows:

Final Payment for 2010 Crack Seal Pavement
Preservation Project to Fahrner Asphalt Sealers

WHEREAS, the Washington County Board of Commissioners on April 27, 2010 approved a bid award to Fahrner Asphalt Sealers for provision of

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product, labor and equipment to install crack filling material on various county roads; and

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

NOW, THEREFORE, BE IT RESOLVED, that Fahrner Asphalt Sealers be paid in full for said contract work in the amount due indicated on the final payment voucher.

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

CONTINUED PUBLIC HEARING – HOUSING AND REDEVELOPMENT AUTHORITY

Pledge the General Obligation of Washington County as Security for the Issuance of Revenue Bond Refunding for the Landfall Terrace Manufactured Home Park Located in the City of Landfall

Commissioner Hegberg moved to adopt **Resolution No. 2010-114** 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 2010 to be
Issued in an Aggregate Principal Amount Not to Exceed \$4,750,000

WHEREAS, pursuant to Minnesota Statutes, Chapter 469 (the “Act”), in particular, 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 approval by the County of the principal amount of the Bonds following a public hearing; and

WHEREAS, pursuant to the Act and an Indenture of Trust between the Authority and U.S. Bank National Association (f/k/a First Trust National Association), as Trustee (the “Trustee”) and accepted by the County, dated as of November 1, 1997 (the “1997 Indenture of Trust”), the Authority previously issued its \$7,200,000 Governmental Housing Revenue Refunding Bonds (Washington County General Obligation – Landfall Terrace Project) Series 1997 (the “1997 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, the general obligation of the County was duly pledged as additional security for the 1997 Bonds; and

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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 2010, in one or more series to refund the 1997 Bonds (the “Series 2010 Bonds”); and

WHEREAS, the Authority has proposed to pledge the general obligation of the County as additional security for the Series 2010 Bonds, which Series 2010 Bonds are to be issued by the Authority as Additional Bonds in accordance with and pursuant to Section 2.15 of the 1997 Indenture of Trust in an aggregate principal amount not to exceed \$4,750,000, and which shall be payable from certain pledged revenues of the Landfall Terrace Project; 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 2010 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 1997 Bonds, the Authority leased the Landfall Terrace Project to the Landfall Village Housing and Redevelopment Authority (“Landfall HRA”), which will be responsible for management, operation and maintenance of the Landfall Terrace Project and payment of rents for application to debt service for the term of the Series 2010 Bonds, all pursuant to that certain Lease Agreement between the Authority, as landlord, and Landfall HRA, as tenant, dated as of November 1, 1997 (the “Lease Agreement”); and

WHEREAS, in connection with the issuance of the 1997 Bonds, the Authority, the Landfall HRA and the County entered into a certain Custodial Agreement, dated as of November 1, 1997 (the “Custodial Agreement”) with the Trustee, as Custodian, providing, among other things, for the deposit and disbursement of various monies, funds and payments with respect to the Project; and

WHEREAS, on July 6, 2010, the County conducted a public hearing following publication of notice, pursuant to Minnesota Statutes, Section 469.034, subd. 2, and continued the public hearing until July 27, 2010.

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 \$4,750,000 aggregate principal amount of the Authority’s Series 2010 Bonds, to be issued in one or more series as Additional Bonds in accordance with and pursuant to Section 2.15 of the 1997 Indenture of Trust.
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 2010 Bonds that (a) the Landfall Terrace Project is a qualified housing development project as

defined in Minnesota Statutes, Section 469.034, subd. 2(e); and (b) 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 2010 Bonds, does not exceed the greater of (i) one-half of one percent of the taxable market value of the County, or (ii) \$3,000,000, as required by Minnesota Statutes, Section 469.034, subd. 2(c); and (c) the issuance of the Series 2010 Bonds is in accordance with Minnesota Statutes, Section 475.67, as required by Minnesota Statutes, Section 469.034, subd. 2(f).

3. That the County hereby approves the use of the proceeds of the Series 2010 Bonds to refund the 1997 Bonds.
4. That the County hereby approves (a) the First Supplemental Indenture of Trust ("First Supplemental Indenture of Trust") to be entered into by the Authority and the Trustee, and to be accepted by the County, providing, *inter alia*, for the issuance of the Series 2010 Bonds as Additional Bonds under the 1997 Indenture of Trust, (b) the Amendment to Custodial Agreement ("Amendment to Custodial Agreement") to be entered into by the Authority, the County, the Landfall HRA and the Trustee, as Custodian, in connection with the issuance of the Series 2010 Bonds, and (c) the Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") to be entered into among the Authority, the County and the Trustee as dissemination agent to comply with the requirements of Securities Exchange Act of 1934 Rule 15c2-12.

The form and terms of the First Supplemental Indenture of Trust, the Amendment to Custodial Agreement and the Continuing Disclosure Agreement shall be subject to the review and approval of the County Administrator (upon the advice of the County Attorney). The terms of the First Supplemental Indenture of Trust, the Amendment to Custodial Agreement and the Continuing Disclosure Agreement may vary from the terms presented to this County Board so long as any variance is not materially adverse to the interests of the County as determined by the County Administrator. The execution and delivery of the First Supplemental Indenture of Trust, the Amendment to Custodial Agreement and the Continuing Disclosure Agreement by the Chair and the County Administrator shall be conclusive evidence of this County Board's approval of the First Supplemental Indenture of Trust, the Amendment to Custodial Agreement and the Continuing Disclosure Agreement, and shall be binding upon the County.

5. That together with the 1997 Indenture of Trust and the Custodial Agreement, the County previously approved the following documents (collectively with the 1997 Indenture of Trust, the "1997 Agreements") in connection with the issuance of the 1997 Bonds:
 - (a) a Pledge and Reserve Agreement between the County and the Authority, dated as of November 1, 1997, providing for the retention of certain revenues related to the Landfall Terrace Project for a reserve for debt service on the 1997 Bonds;
 - (b) a Landfall Project Agreement, by and among the County, the Authority, the Landfall HRA and the City of Landfall Village, dated as of November 26, 1997, 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;

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- (c) a Mortgage given by the Authority for the benefit of the County, dated as of November 26, 1997, to secure repayment of amounts, if any, advanced by the County pursuant to the County's general obligation pledge; and
- (d) the Lease Agreement.

That, after review and approval by the County Administrator that any proposed amendment, modification, addition or change to the 1997 Agreements conforms to the terms presented to this County Board or that any proposed amendment, modification, addition or change to the 1997 agreements is not materially adverse to the interests of the County, the Chair and the County Administrator are further authorized and directed to approve, and as necessary or appropriate to execute and deliver in the name and on behalf of the County, (a) any and all amendments, modifications, additions or changes in or to the 1997 Agreements or any other agreements, certificates, documents or proceedings relating to the 1997 Bonds, and (b) any and all 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 2010 Bonds and other transactions or matters related thereto. The 1997 Agreements to which the County is a party, as may be amended or modified as described above (if at all), are hereby ratified and affirmed and shall continue to be binding on the County.

6. That the County approves the use of the Preliminary Official Statement and Official Statement in connection with the marketing of the Series 2010 Bonds, and consents to references to the County and the inclusion of financial statements and other data and information concerning the County therein.

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

PUBLIC WORKS

Contract with RSP i-SPACE for Space and Asset Management Consulting Services

Commissioner Peterson moved to adopt **Resolution No. 2010-115** as follows:

RSP i-SPACE Contract for Space and Asset Management Consulting Services

WHEREAS, Washington County needs to have space and asset management consulting services for the design and implementation of an Integrated Workplace Management System (IWMS) for county facilities; and

WHEREAS, in furtherance of the above, Washington County solicited proposals from experienced and qualified professional consultants capable of performing these duties; and

WHEREAS, the proposals were reviewed and evaluated by Building Services staff; and

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WHEREAS, the proposal from RSP i-SPACE was found to best meet county requirements; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby approves the selection of RSP i-SPACE for the completion of the IWMS and authorizes execution of the contract with RSP i-SPACE through the signatures of the Board Chair and the County Administrator without further action of the County Board conditioned upon approval as to form by the Washington County Attorney's office.

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

Supplemental Agreements #1, #2 and #3 to the County Road 83 Bridge Overpass

Cory Slagle, Transportation Manager, reviewed the three supplemental agreements to the County Road 83 bridge overpass construction contract with Robert R. Schroeder Construction, Inc.:

Supplemental Agreement #1 – Modifications to the County Road 83 and 12th Street intersection including additional turn lanes and modifying the curb line; cost of \$91,912.34;

Supplemental Agreement #2 – Modifications to the storm sewer system near the County Road 83 and 15th Street intersection; cost of \$2,338;

Supplemental Agreement #3 – Additional work necessary to construct the temporary northbound off-ramp from Interstate 35 to County Road 83 due to poor soils and peat; cost of \$114,436.40.

Commissioner Hegberg moved to approve Supplemental Agreements #1, #2 and #3 to the County Road 83 bridge overpass construction contract with Robert R. Schroeder Construction, Inc. Commissioner Peterson seconded the motion and it was adopted unanimously; Commissioners Pulkrabek and Weik absent.

PUBLIC HEALTH AND ENVIRONMENT

Commissioner Peterson moved to approve a comment letter to the Minnesota Pollution Control Agency opposing Minnesota Rules, Chapters, 7080-7083, which would impact the County Development Code, Chapter Four, Individual Sewage Treatment Regulations, Ordinance No. 179, adopted by the County Board on September 8, 2009. Commissioner Hegberg seconded the motion and it was adopted unanimously; Commissioners Pulkrabek and Weik absent.

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Commissioner Peterson asked for information on what this would cost the county if it had to redo the Ordinance.

GENERAL ADMINISTRATION

Molly O'Rourke, Deputy Administrator, announced that several Washington County employees are at a training put on by the Federal Emergency Management Agency. It is an integrated emergency management course and over 70 people will be representing the county including cities, non-profits, and private entities. The federal government is paying for this course so the county can be fully prepared if such an emergency were to happen here.

COMMISSIOENR REPORTS – COMMENTS – QUESTIONS

Commissioner Hegberg reported on the National Association of Counties (NACo) Conference he attended last week. He visited the Reno's courts where they have a drug court, a mental health court, and a veteran's court. The mental health court is a diversion process so that people aren't spending time in jail. They indicated that this has saved them money in less jail days. He would like the county to look at this again.

Commissioner Peterson stated that Hennepin County is starting a veteran's court. She would be interested to see their costs and benefits to that program.

Commissioner Hegberg attended the NACo award ceremony for the Yellow Ribbon Network. He also attended the Environmental subcommittee where he proposed changes. He also wrote a minority report on some of the proposed changes that related to energy improvements which are handled differently throughout the country.

Commissioner Hegberg reported he attended the Judicial Ditch 4 meeting. He complimented Rice Creek Watershed District because they are being proactive by looking at the development of Forest Lake and northern Hugo. Last night was the first meeting and there will be another on in August. He will also be attending the new Hugo library kiosk Ribbon Cutting Ceremony on Thursday July 29.

Commissioner Peterson stated this is a week she has long been waiting for since 1994. The Wakota Bridge will be celebrating its grand reopening on Thursday, July 29. There will be a caravan of old cars starting west of the Mississippi going east. That will be followed by a celebration at Tinuccis.

Commissioner Kriesel stated that on August 4 the Stillwater Chamber of Commerce will be meeting to discuss the Stillwater Bridge. He stated that Commissioner Peterson has such a good reputation for getting bridges built he asked her to attend that meeting with him if she is available.

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Commissioner Kriesel stated he plans on attending the Ribbon Cutting Ceremony for the new Hugo library kiosk on Thursday July 29, and he will attend the Library Board meeting that follows. He reported that Lumberjack Days was a great success.

BOARD CORRESPONDENCE

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Peterson moved to adjourn, seconded by Commissioner Hegberg and it was adopted unanimously; Commissioners Pulkrabek and Weik absent. The Board meeting adjourned at 9:55 a.m.

Gary Kriesel, Vice Chair
County Board

Attest:

Molly F. O'Rourke
Deputy Administrator