

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
OCTOBER 27, 2009

The Washington County Board of Commissioners met in regular session at 10:30 a.m. in the Washington County Government Center, County Board Room. Present were Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel. Board Chair Peterson presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; George Kuprian, Assistant County Attorney; Doug Johnson, County Attorney; Susan Harris, First Assistant County Attorney; Tom Adkins, Community Corrections Director; Sandra Hahn, Deputy Community Corrections Director; Kay McAloney, Human Resources Director; Sheriff Bill Hutton; Chief Deputy Sheriff Mike Johnson; Harley Will, Accounting and Finance Director; Mjyke Nelson, Information Technology Director; Don Theisen, Public Works Director; Dan Papin, Community Services Director; Patrick Singel, Deputy Community Services Director; Lowell Johnson, Director of Public Health and Environment; Kevin Corbid, Director of Property Records and Taxpayer Services; Melinda Kirk, Budget/Financial Analyst; and Yvonne Klinnert, Public Information Coordinator II.

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

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

ANNOUNCEMENTS/RECOGNITION

Board Chair Peterson announced there was an event this morning recognizing Washington County's employees with milestone anniversaries. She stated the County has been blessed with some exceptional staff and gave appreciation for their years of service to our county, the organization, and to the citizens of Washington County.

In addition, Washington County is celebrating its 160th anniversary. Washington County was created October 27, 1849, in the Territory of Minnesota, and should be noted that it was established as a county before Minnesota was admitted to the Union as the 32nd state in 1858. Washington County was one of Minnesota's original nine counties.

CONSENT CALENDAR

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

1. Approval of the October 6, as amended, and October 13, 2009 Board meeting minutes.

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2. Approval to release the 2010-2014 draft Capital Improvement Plan to the communities of Washington County for their review and comments.
3. Approval to reappoint Dale Borash, West Lakeland Township, to the Valley Branch Watershed District Board of Managers to a three-year term expiring November 13, 2012.
4. Adoption of **Resolution No. 2009-118** as follows:

Adoption of the Identity Theft Prevention Program to
Comply with Federal Trade Commission Red Flag Rules

WHEREAS, the United States Federal Trade Commission implementing Section 114 of the Fair and Accurate Credit Transaction Act of 2003. 16 CFR 681.2 has promulgated a set of requirements known as the “Red Flag Rules”; and

WHEREAS, these Red Flag Rules direct organizations to adopt an identity theft prevention programs to protect information it collects from individuals or businesses involved in credit transactions; and

WHEREAS, the county does not engage in extending credit or consumer finance transactions in the ordinary course of business but that a lack of compliance with the rules exposes the county to civil monetary penalties; and

WHEREAS Washington County has developed an Identity Theft Prevention Program to comply with these requirements.

NOW, THEREFORE BE IT RESOLVED, that the Identity Theft Prevention Program is adopted by Washington County to be effective November 1, 2009.

5. Approval to accept grant funding from the Minnesota Office of Justice Programs in the amount of \$69,496 for State FY 2010 from October 1, 2009 through September 30, 2010.
4. Approval of Verizon Wireless Services for county purchased Blackberries, cell phones and wireless cards.
5. Approval of comments on the draft Rice Creek Watershed District Watershed Management Plan and approve letter submitted to be signed by the Board Chair.
6. Adoption of **Resolution No. 2009-119** as follows:

SouthMetro Centers V, LLC Lease Amendment

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WHEREAS, the term of lease agreement numbered 4114 expires on May 31, 2010; and

WHEREAS, the SouthMetro Centers V, LLC has submitted amendment number 1 to lease agreement 4114 to extend the term of the lease to February 28, 2011; and

WHEREAS, the County of Washington and the SouthMetro Centers V, LLC wish to continue the lease of space arrangement through the acceptance of the terms and conditions set forth in lease agreement numbered 4114 and amendment number 1; and

BE IT FURTHER RESOLVED, that the lease between the County of Washington and the SouthMetro Centers V, LLC be executed through the signatures of the Chairman of the Washington County Board of Commissioners and Washington 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 5-0 with a roll call vote as follows: Yes, Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel; No, none.

COMMUNITY SERVICES

Dan Papin, Community Services Director, along with Jenna Penfield, Economic Support Supervisor, presented an overview of the proposed changes in how child support services are delivered in Minnesota.

HUMAN RESOURCES

Commissioner Hegberg moved to adopt **Resolution No. 2009-120** as follows:

Delegate Authority to the County Administrator, or his Designee, to
Temporarily Suspend or Modify Certain Washington County
Rules and Regulations and Policies and Procedures
During the H1N1 and Seasonal Influenza Period

WHEREAS, Washington County is preparing for the possible work disruption due to the H1N1 virus and seasonal influenza; and

WHEREAS, Washington County Public Health and Environment has stated that the annual influenza season is generally November 1st through April 30th and will most likely be the same for H1N1; and

WHEREAS, based on a recommendation by the Minnesota Department of Health and in consultation with Public Health and Environment, it is determined that there is a need to act quickly; and

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WHEREAS in order to deal with the possible work disruptions, it has been identified that certain Washington County Rules and Regulations and Policies and Procedures may need to be temporarily suspended or modified.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Administrator, or his designee, is hereby delegated the authority to suspend or modify the following Washington County Policies and Procedures and Rules and Regulations:

1. Policy #5023 to allow probationary employees to use leave time as it is accrued.
2. Policy #5203 and Section 16 of the Rules and Regulations regarding Family Medical Leave to allow employees to return to work without first obtaining a certification and/or return to work slip.
3. Section 6 of the Rules and Regulations to allow Department Heads to hire temporary employees for up to 60 days without following the normal recruitment process.
4. Section 15 of the Rules and Regulations to allow for a negative PTO or Vacation/Sick balance for up to 5 days (up to 40 hours), pro-rated for part-time employees.
5. Any other Washington County Policy and Procedure or Rules and Regulations which governs the accrual or use of paid or unpaid time off including leaves of absence.

BE IT FURTHER RESOLVED, that this delegation shall be in effect from November 1st to May 31st unless further extended by the Washington County Board.

Commissioner Weik seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Yes, Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel; No, none.

GENERAL ADMINISTRATION

Grant Proposal Lessard-Sams Outdoor Heritage Council, Jack Daley Property

Commissioner Kriesel moved to adopt **Resolution No. 2009-121** as follows:

Application to Lessard-Sams Conservation Partners Legacy Grants Program
for Grant Funds to Acquire a Conservation Easement Over the
Jack Daley Property Along Valley Creek through the
Washington County Land and Water Legacy Program

WHEREAS, Washington County established the Washington County Land and Water Legacy Program after voters approved a \$20 million referendum to acquire interests in property for the preservation of water quality, woodlands, and other natural areas; and

WHEREAS, the Washington County Board of Commissioners chose an initial set of high priority projects after a careful review of proposals that involved technical evaluation and ranking, local government comment and review by a citizen advisory committee; and

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WHEREAS the owners of each parcel are the project applicants and are willing to sell an interest in their property; and

WHEREAS, on December 18, 2007, the Washington County Board of Commissioners authorized staff to begin valuations and negotiations on the Land and Water Legacy Program high priority projects and to search for opportunities to leverage the county funds through outside funding sources; and

WHEREAS, the Lessard-Sams Conservation Partners Legacy Grants Program has issued a Request for Proposals for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota; and

WHEREAS, the Jack Daley property on Valley Creek meets the criteria of the Lessard-Sams Conservation Partners Legacy Grant Program Request for Proposals; and

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners approves submitting a grant request to the Lessard-Sams Conservation Partners Legacy Grant Program for up to four hundred thousand dollars (\$400,000) to purchase a conservation easement over the Jack Daley property on Valley Creek through the Washington County Land and Water Legacy Program.

Commissioner Pulkrabek seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Yes, Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel; No, none.

Grant Proposal Lessard-Sams Outdoor Heritage Council, Projects Along the St. Croix River

Commissioner Peterson moved to adopt **Resolution No. 2009-122** as follows:

Application to Lessard-Sams Outdoor Heritage Council for
Grant Funds to Acquire Interests in Property along the St. Croix River
through the Washington County Land and Water Legacy Program

WHEREAS, Washington County established the Washington County Land and Water Legacy Program after voters approved a \$20 million referendum to acquire interests in property for the preservation of water quality, woodlands, and other natural areas; and

WHEREAS, the Washington County Board of Commissioners chose an initial set of high priority projects after careful review of proposals that involved technical evaluation and ranking, local government comment and review by a citizen advisory committee; and

WHEREAS, the owners of each parcel are the project applicants and are willing to sell an interest in their property; and

WHEREAS, on December 18, 2007, the Washington County Board of Commissioners authorized staff to begin valuations and negotiations on the Land and Water Legacy Program high priority projects and to search for opportunities to leverage the county funds through outside funding sources; and

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WHEREAS, the Lessard-Sams Outdoor Heritage Council has issued a Call for Funding Requests; and

WHEREAS, the Land and Water Legacy Program projects located along the St. Croix River meet the criteria of the Lessard-Sams Outdoor Heritage Council Call for Funding Requests; and

WHEREAS, that because of the high cost of land along the St. Croix River matching funds are needed to make a project affordable for the county; and

WHEREAS, Washington County believes that it is of statewide importance to preserve the integrity of the St. Croix River and its adjoining lands;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners approves submitting a grant request to the Lessard-Sams Outdoor Heritage Council for up to five million dollars (\$5,000,000) to purchase land and interests in land on high priority lands along the St. Croix River through the Washington County Land and Water Legacy Program.

Commissioner Pulkrabek seconded the motion and it was adopted 5-0 with a Roll Call vote as follows:

Yes, Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel; No, none.

Grant Proposal Lessard-Sams Outdoor Heritage Council, Valley Creek Protection Partnership

Commissioner Weik moved to adopt **Resolution No. 2009-123** as follows:

Application to Lessard-Sams Outdoor Heritage Council for Grant Funds
to Acquire Interests in Property along Valley Creek through
the Washington County Land and Water Legacy Program

WHEREAS, Washington County established the Washington County Land and Water Legacy Program after voters approved a \$20 million referendum to acquire interests in property for the preservation of water quality, woodlands, and other natural areas; and

WHEREAS, the Washington County Board of Commissioners chose an initial set of high priority projects after a careful review of proposals that involved technical evaluation and ranking, local government comment and review by a citizen advisory committee; and

WHEREAS, the owners of each parcel are the project applicants and are willing to sell an interest in their property; and

WHEREAS, on December 18, 2007, the Washington County Board of Commissioners authorized staff to begin valuations and negotiations on the Land and Water Legacy Program high priority projects and to search for opportunities to leverage the county funds through outside funding sources; and

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WHEREAS, the Minnesota Land Trust will take the lead in submitting a Valley Creek Protection proposal to the Lessard-Sams Outdoor Heritage Council; and

WHEREAS, one of the Land and Water Legacy Program projects is in the Valley Creek watershed; and

WHEREAS, as of May 6, 2008, the County Board approved the county's involvement in the Valley Creek Protection Partnership in order to leverage the expertise and capacity of various organizations to effectively address the conservation needs of Valley Creek; and

WHEREAS, land protection efforts in the Valley Creek watershed meets the criteria of the Lessard-Sams Outdoor Heritage Council request for proposals;

NOW, THEREFORE, BE IT RESOLVED, that Washington County supports the grant request of the Valley Creek Protection Partnership that includes matching funds for Washington County to purchase conservation easements on high priority lands in the Valley Creek watershed through the Washington County Land and Water Legacy Program.

Commissioner Kriesel seconded the motion and it was adopted 5-0 with a Roll Call vote as follows: Yes, Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel; No, none.

Minnesota Counties Insurance Trust Voting Delegates

Commissioner Kriesel moved to appoint Commissioner Hegberg as voting delegate and James Schug, County Administrator, as alternate to the 2009 Annual Meeting of the Minnesota Counties Insurance Trust (MCIT). Commissioner Pulkrabek seconded the motion and it was adopted unanimously.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Hegberg reported on the Association of Government Risk Pools (AGRIP) conference he attended last week. The Community Action Program met two weeks ago and they selected the same auditor. He attended a reception for Congressman Oberstar on October 16. Congressman Oberstar talked about why it is important to fund transportation with dollar increases and to have a long-term perspective.

Commissioner Kriesel reported he attended the Counties Transit Investment Board last week. They reviewed the projects that were recommended by the Grant Evaluation and Ranking System (GEARS) Committee. He attended the Lower St. Croix Valley Alliance meeting last evening and the Chair of that organization asked him if they could have their next meeting at the new Environmental Center. He will check with Public Health and Environment to see if that would be a possibility. This week he will attend the Rail-Volution conference in Boston. This afternoon they will convene the first meeting of the Yellow Ribbon Network since they have been named the first Yellow Ribbon County in Minnesota. He

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was just informed a week ago that the Yellow Ribbon Network of Washington County had reached national attention. In December the National Guard will have an event that will profile Washington County's model.

Jim Schug, County Administrator, announced that the Association of Minnesota Counties will make time available at its conference in December, for the National Guard to talk about the Yellow Ribbon campaign to all the delegates coming from the counties in hopes of getting them motivated to start working on developing their own local program. In addition, the National Guard will have a table in the exhibition hall that will be staffed by National Guard personnel to help answer questions and promote the program to the attendees of the conference.

Commissioner Weik reported on the Counties Transit Investment Board (CTIB) meeting that she attended last week as a non-voting member. She thought the county's Transportation Planner Andy Gitzlaff did a good job on a presentation he made to CTIB on the Washington County 2010 CTIB grant application for the Newport Transit Station site. Last week she also attended the Minnesota Inter-County Association meeting. There was an interesting presentation by Rebecca Flood, Assistant Commissioner of the Pollution Control Agency. She did an overview of the cleanup of impaired waters. They also heard a third quarter state economic update, and there was no good news there. Yesterday she attended the Association of Minnesota Counties District X meetings. They received a brief overview on the Minnesota Sex Offender program and discussed metro governance.

Commissioner Peterson stated that in this morning's paper a Newport resident, Michael Wilken, was killed in the line of duty volunteering as a Ramsey County Deputy Sheriff Reserve Officer. She asked for a moment of silence for this officer.

Commissioner Peterson announced that she has been appointed to the first design build pilot project as one of the evaluators. She will be doing that on Monday, November 2. The State Rail meeting will also be held on November 2 from 10:00 to 12:00. Last week she attended the State Rail presentation that was made to the tribal community in Red Wing. She stated that a policy decision will need to be made at CTIB, and she believes the County Board may want to have a workshop on how BRT is defined, how should it be funded, and what is the ramification of any decision made. Another policy question is how soon they put dollars in a project area before earmarking the project.

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 Hegberg moved to adjourn, seconded by Commissioner Pulkrabek and it was adopted unanimously. The Board meeting adjourned at 11:49 a.m.

BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss the proposed 2010 budget with the Housing and Redevelopment Authority Board. Present for the workshop session were Commissioners Hegberg, Peterson, Weik, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Melinda Kirk, Dan Papin, Sheriff Hutton, Tom Adkins, Lowell Johnson, Kevin Corbid, Harley Will, Mjyke Nelson, Doug Johnson, George Kuprian, Josh Beck, Sue Harris, Barb Nelson, Sandy Hahn, Jennifer Wagenius, Barbara Dacy, HRA Executive Director; Tom Triplett, HRA Board Chair, Andrea Brennan, HRA Deputy Director and Jerry Fox, HRA Chief Financial Officer.

BOARD WORKSHOP WITH THE OFFICE OF ADMINISTRATION

The Board met in workshop session with the Office of Administration to discuss the proposed 2010 budget with the Departments of: Community Corrections and County Attorney. No business was transacted and the public was welcome to attend. Present for the workshop session were Commissioners Hegberg, Pulkrabek, Peterson, Weik, and Kriesel. Also present were Jim Schug, Molly O'Rourke, Melinda Kirk, Dan Papin, Sheriff Hutton, Tom Adkins, Lowell Johnson, Kevin Corbid, Harley Will, Mjyke Nelson, Doug Johnson, George Kuprian, Josh Beck, Sue Harris, Barb Nelson, Sandy Hahn, and Jennifer Wagenius.

Myra Peterson, Chair
County Board

Attest:

James R. Schug
County Administrator

