

OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
FEBRUARY 23, 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 Weik, Peterson, Pulkrabek, Kriesel, and Hegberg. Absent none. Board Chair Pulkrabek presided. Also present were James Schug, County Administrator; Molly O'Rourke, Deputy Administrator; Linda Krafthefer, Assistant County Attorney; Don Theisen, Public Works Director; John Elholm, Parks Division Manager; Michael Welling, Surveyor; Sheriff Bill Hutton; Chief Deputy Sheriff, Mike Johnson; Kevin Corbid, Director of Property Records and Taxpayer Services; Lowell Johnson, Director of Public Health and Environment; Sue Hedlund, Deputy Public Health and Environment Director; Judy Hunter, Senior Program Manager; Jeff Travis, Program Manager; Amanda Strommer, Program Manager; Dan Papin, Community Services Director; Richard Backman, Community Services Division Manager; Lyman Robinson, Veterans Service Officer; Melinda Kirk, Budget/Financial Analyst; Tom Adkins, Community Corrections Director; Myjke Nelson, Information Technology Director; 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.

CONSENT CALENDAR

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

1. Approval of the February 9, 2010 Board meeting minutes.
2. Approval to establish Reserves and Designations of fund balances for the fiscal year ended December 31, 2009.
3. Approval of the 2010 contract with the American Red Cross Twin Cities Area Chapter to provide Emergency Social Services and Crisis Response Services for Washington County Community Services.
4. Adoption of **Resolution No. 2010-021** as follows:

Lawful Gambling Exemption Resolution

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WHEREAS, the Ruffed Grouse Society, Missi-Croix Chapter has made application to the Gambling Control Board for the exemption from certain requirements contained in M.S. 349.166 sub 2 in order to conduct a raffle at The Point, 12378 Point Douglas Dr., Hastings (Denmark Township), 55033, the event will take place on March 29, 2010.

NOW, THEREFORE, BE IT RESOLVED, the Washington County Board of Commissioners does not oppose issuance of exemption consistent with the application.

5. Approval of Assessment Year 2009 payable 2010 assessment classification and valuation change list.
6. Approval of and authorization for the County Board Chair and the County Administrator to enter into an agreement with Maren Marks and Mary Storkan to use county property to provide onsite county employee wellness activities.
7. Approval of Campus 2025 Change Orders with various contracts as follows:

<u>Changer Order #</u>	<u>Contractor</u>	<u>Change Amount</u>
#2	Ramsey Excavating	\$9,082.00
#3	Ramsey Excavating	\$17,091.37
#6	Ramsey Excavating	\$10,303.49
#2	Veit & Company	\$24,126.00
#3	Veit & Company	\$16,800.98
#1	Northland Paving	\$3,175.00
#3	Urban Companies	\$2,825.00
#4	Urban Companies	\$3,783.00
#7	Gresser Companies	\$12,688.38
#8	Gresser Companies	\$2,490.02
#8	Century Construction	\$5,220.08
#9	Century Construction	\$5,083.00
#10	Century Construction	\$3,034.00
#11	Century Construction	\$2,571.00
#12	Century Construction	\$2,828.00
#8	Commercial Drywall	\$7,955.39
#9	Commercial Drywall	\$18,227.83
#10	Commercial Drywall	\$6,414.11
#2	Advance Terrazzo & Tile	3,258.00
#3	Advance Terrazzo & Tile	\$1,598.00
#2	WL Hall	\$7,156.00
#3	WL Hall	\$4,831.00
#19	People's Electric	\$9,697.00
#7	Glewwe Doors	\$19,365.00
#8	Glewwe Doors	\$14,699.00

8. Approval of Change Order #4 to contract with Advance Terrazzo & Tile Company, Inc, in the amount of \$6,344.

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9. Approval of Change Order #13 to contract with Century Construction Company, Inc. in the amount of \$15,844.
10. Approval of Change Order #8 to contract with Wasche Commercial Finishes, Inc. in the amount of \$1,437.
11. Approval of Change Order #12 to contract with Sowles Company in the amount of \$3,610.
12. Approval of Change Order #7 to contract with Ramsey Excavating, Inc. in the amount of \$54,079.62.
13. Approval of Change Order #20 to contract with Peoples Electric, Inc. in the amount of \$76,572.
14. Approval of Change Orders #11 and #12 to contract with Commercial Drywall, Inc. in the amounts of \$11,520.66 and \$10,086.09 respectively.
15. Approval of Change Orders #9 and #10 to contract with Gresser Companies, Inc. in the amount of \$(107.00) and \$1,334.00 respectively.
16. Approval of Change Order #2 to contract with Parsons Electric, LLC in the amount of \$88,812.91.
17. Approval of Change Orders #1 and #2 to contract with Wasche Commercial Finishes, Inc. in the amounts of \$5,838 and \$647 respectively.
18. Adoption of **Resolution No. 2010-022** as follows:

House Lease at 9941 Stillwater Boulevard, Lake Elmo

WHEREAS, the County of Washington and Michael and Courtney Bengston entered into a lease agreement numbered 4567 on January 18, 2008 providing for the rental of the county owned house located at 9941 Stillwater Blvd., Lake Elmo MN 55042; and

WHEREAS, the term of said house lease agreement expires on February 28, 2010; and

WHEREAS, the County of Washington and Michael and Courtney Bengston wish to extend the term of said house lease agreement to February 28, 2011 through the execution of Amendment 2 to Lease #4567; and

WHEREAS, Michael and Courtney Bengston have approved and signed said Amendment 2 to Lease #4567; and

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NOW, THEREFORE BE IT RESOLVED, that Amendment 2 to Lease #4567 between the County of Washington and Michael and Courtney Bengston 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.

19. Approval of Amendment No. 1 to appraisal contract with M.W. Brown & Associates, LLC for the County Road 83 overpass project.
20. Approval to accept an anonymous donation of 35 headsets with an approximate value of \$28,000 to be used by the Sheriff's Special Response Team.
21. Approval to accept donated materials from Marathon Petroleum and the Minnesota Department of Natural Resources to be used to construct a dock on the Mississippi River for a patrol boat.

The foregoing Consent Calendar was adopted 5-0 with a roll call vote as follows: Ayes, Commissioners Weik, Peterson, Kriesel, Hegberg, and Pulkrabek; Nays, none.

PUBLIC WORKS

Commissioner Kriesel moved to approve the use of the Washington County Park Acquisition Plan as a guide to discuss acquisition opportunities with the highest priority landowners. Commissioner Peterson seconded the motion and it was adopted unanimously.

PUBLIC HEALTH AND ENVIRONMENT

Solid Waste Management Coordinating Board's 2009 Accomplishment Report

Judy Hunter, Senior Program Manager, reviewed the Solid Waste Management Coordinating Board's 2009 Accomplishment Report. Items reviewed included: Regional Policy - overview, legislative, forums, product stewardship, waste streams, and data management; Collaborative Activities - household and hazardous waste, and hauler licensing; Communications and Outreach - Community POWER, Rethink Recycling, media outreach, events and outreach, and public relations.

Ms. Hunter also reviewed local accomplishments such as the opening of the environment center in Woodbury, food waste recycling, and the Green Corp Intern.

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Product Stewardship Framework

Commissioner Hegberg moved to adopt **Resolution No. 2010-023** as follows:

Product Stewardship Framework

WHEREAS, the Minnesota Waste Management Act states that the waste management goal for the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water, and other natural resources and the public health; and

WHEREAS, local government in Minnesota is held responsible by the state for waste management outcomes, including assuring recycling opportunities, regulating and enforcing solid and hazardous waste laws, hazardous waste collection, and other costly waste management programs, without sufficient state funding; and

WHEREAS, since 1980 cities, townships and counties have acted to work toward this goal by implementing a wide variety of publicly funded programs, such as assuring opportunities for all residents to recycle, providing separate management of yard waste, regulating solid, hazardous and infectious waste, providing extensive educational programs and collection facilities for household hazardous waste and other problem materials; and

WHEREAS, even with these efforts, a substantial amount of material, approaching one million tons from the metropolitan area, is placed into landfills each year, resulting in wasted resources and energy; and

WHEREAS, Washington County continues to support solid waste as a renewable resource and solid waste classified as biomass and renewable energy by state law; and

WHEREAS, manufactured goods and packaging constitute approximately 75% of the materials managed as waste based on figures reported by the U.S. Environmental Protection Agency, and offer significant opportunities for conserving materials; and

WHEREAS, per capita waste generation in the metropolitan area has remained high over the past decade, at approximately 1.2 tons per person per year and only until the recent economic downturn did waste generation decline as a result of less consumption; and

WHEREAS, consumer products and packaging may contain materials such as heavy metals harmful substances that pose a threat to human health and the environment if improperly managed; and

WHEREAS, local governments do not design or market products and do not profit from their sale, but have spent public resources to deal with and manage the rising volume of discarded products; and

WHEREAS, Minnesota counties spend approximately \$14 million annually on household hazardous waste collection programs; and

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WHEREAS, when disposal costs are paid by local governments, producers do not have an incentive to consider end-of-life product management issues; and

WHEREAS, Product Stewardship is an environmental policy through which producers accept responsibility for the management of post-consumer products, so that those who produce and use products bear the costs of recycling and responsible disposal; and

WHEREAS, when producers are responsible for ensuring their products are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, when end-of-life product management costs are internalized in the price of product, comprehensive market signals are provided to the consumer so they can make informed decisions; and

WHEREAS, the State of Minnesota and the Solid Waste Management Coordinating Board have led the effort on product stewardship for some products, such as waste electronics, mercury containing items, used motor oil, and lead acid batteries; and

WHEREAS, estimated gross economic activity for Minnesota's recycling manufacturing industry is over \$1 billion, and recycling offers significant local economic development opportunities.

NOW, THEREFORE BE IT RESOLVED, Washington County urges the Minnesota Legislature to adopt a product stewardship framework approach that creates effective, flexible, producer-led reduction, reuse and recycling programs to deal with a product's lifecycle impacts from design through end-of-life product management so that state and local governments do not have primary responsibility for financing such efforts.

Commissioner Peterson seconded the motion and it was adopted 5-0 with a roll call vote as follows: Ayes, Commissioners Weik, Peterson, Kriesel, Hegberg, and Pulkrabek; Nays, none.

Commissioner Pulkrabek stated he supported this resolution, but he has concerns that this adds more regulations on businesses and that business will not have any input into this.

GENERAL ADMINISTRATION

Recognition of Pat Bantli, Stillwater Township Clerk

Commissioner Hegberg moved to adopt **Resolution No. 2010-024** as follows:

Resolution of appreciation for Pat Bantli's 36 Years
of Service to Stillwater Township

WHEREAS, Pat Bantli has faithfully served as Stillwater Township clerk during the past 36 years; and

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WHEREAS, Bantli has been one of the longest-serving and most dedicated public servants in township history; and

WHEREAS, Bantli has executed her given tasks of organizing township business, running township elections and serving as primary contact for residents doing township business in a commendable manner; and

WHEREAS, Bantli has served diligently as the “glue” to keep Stillwater Township a well-operating government unit during its years of change.

BE IT HEREBY RESOLVED, that the Washington County Board of Commissioners extends its appreciation for the contributions of Pat Bantli has made to the governing community of Washington County, and extends its best wishes to her in her retirement.

Commissioner Peterson seconded the motion and it was adopted 5-0 with a roll call vote as follows: Ayes, Commissioners Weik, Peterson, Kriesel, Hegberg, and Pulkrabek; Nays, none.

Commissioner Kriesel announced that this Sunday from 2:00 to 4:00 there will be a retirement gathering for Pat Bantli.

Legislative Update

Jim Schug, County Administrator, reviewed the 2010 Governor’s additional budget impacts. Last week the Deputy Administrator, Budget Analyst, and department directors have been going through the Governor’s proposal and recommendations to determine the impact on Washington County. Total estimated cuts are \$4,531,200: County Program Aid, \$4,115,900; and other \$415,300.

Commissioner Hegberg asked that the Board hold a workshop to review the formulas the state uses for these reductions. He feels that Washington County is being hit disproportionately compared to other counties. Mr. Schug advised the Board that the Governor’s proposal did not use the state formula for County Program Aid to calculate the reduction. It was based on a percentage of levy plus county program aid of about 4.35%. He suggested a workshop that shows how that occurs and agrees that there is significant discrepancy and disparity between and among counties.

The Board discussed cuts to the Sentence to Service program. The Board believes this program works and reduces county costs in housing prisoners.

Mr. Schug discussed the Capital Bonding Bill that has been passed by both the Senate and House and the Conference Committee. This bill includes the \$1.5 million request for the I-94 corridor commission development; \$500,000 for the Park-and-Ride in Hastings; and it does include the clarification of language that the county supported for the Red Rock Corridor in terms of what the \$500,000 could be spent on. The Governor has indicated that he would veto the Capital Bonding Bill. The Governor did veto the General Assistance Medical Care Restoration Bill. That issue is still on the table for discussion.

COMMISSIONER REPORTS – COMMENTS – QUESTIONS

Commissioner Weik reported she attended the Library Board meeting. Chris Olsen, Executive Director, of Metropolitan Library Services Agency (MELSA), presented an overview of what that organization does. Through their abilities to purchase and form regions within the State of Minnesota, they are able to save county libraries a lot of money. They are also able to draw down Federal dollars and other grant money. Another item mentioned was a new on-line catalog data base called AquaBrowser. This allows an individual to incorporate all electronic data bases.

Commissioner Weik attended the Woodbury Yellow Ribbon meeting last week. They have a new Web site which is: www.woodburyyellowribbon.com. There are a series of events coming up and she directed all who may be interested to go to that Web site. This evening there is a Taste of South Washington County Extravaganza at Park High School and Yellow Ribbon will have a table there. Former Commissioner Dick Stafford provided an update on hosting a military family picnic at the Veterans Rest Camp this summer in conjunction with Lake Elmo, Hugo and Stillwater Yellow Ribbon Networks.

Commissioner Weik attended the Washington County Extension meeting last week. An update was given on their fund raising income for the coming year. They discussed the Farm Family event, their day at the Capitol, and they are talking about having a healthy initiative at the Washington County Fair.

Commissioner Weik reported on the Public Health Emergency Preparedness Advisory Committee meeting. They reviewed the H1N1 influenza response and they are still watching to see if there could be a resurgence of H1N1.

Commissioner Weik attended the Counties Transit Improvement Board meeting. She stated that Hennepin County Commissioner Mike Opat had concerns about the lawsuits against the Central Corridor. Because a full funding grant has not been received from the Federal government, there was some discussion on policy considerations and decisions that need to be made. Commissioner Opat echoed what she had indicated at the workshop last week that maybe they need a more detailed scope of the lawsuits and how that would impact Counties Transit Improvement Board projects and timelines.

Commissioner Weik reported that she and Commissioner Peterson attended a joint meeting of the Association of Minnesota Counties (AMC) Board of Directors and the Legislative Steering Committee. The AMC group has decided to come out with an overview of how to reset state and county partnerships. They will be holding a press conference today in about a half hour. This is something that is quite wide ranging, and something that the County Board would need to have quite a bit of review on. She is asking for a series of workshops to look at these different items that AMC is proposing. She would not support anything that would increase costs to the taxpayers.

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Commissioner Peterson reported that in regards to the Counties Transit Improvement Board, there are some policy issues that they will have to reach a consensus on. She does not think that the lawsuits are any more difficult than any other lawsuit on any other transportation project. The Federal government doesn't think there are huge issues either. The Union Depot did receive a Federal grant last week for \$37 million. Unfortunately, the Stillwater Bridge did not receive funding.

Commissioner Peterson attended the Valley Branch and South Washington watershed districts mediation meeting last Thursday.

Commissioner Peterson attended the joint AMC and Legislative Committee meeting last week. She believes that AMC has submitted proposals that have not been discussed by local county boards. She is a little unhappy. Everyone agrees that the concept is important and they must revisit the redesigning of county and state government and their relationship. She thinks the proposals put on the table have not been thoroughly discussed and there has not been enough input.

Commissioner Peterson thanked Commissioner Pulkrabek for participating in the taping of County Insight last week.

Commissioner Kriesel addressed the redesign proposal that AMC has asked county boards not to discuss prior to 11:00 a.m. today. He received this information yesterday and the statement said: "It is important that you talk to the local press, and for those proposals that you may be questioning you should express your feelings; if you are strongly opposed we ask you to keep your opposition in abeyance until the AMC policy committees meet in March." One of the proposals is to reduce the size of the state highway patrol by 50% and redeploy the patrol to provide accident reconstruction investigation, major crimes; and, local government should take over patrol functions and redeploy county and city resources to meet local needs. That will save the state \$75 million, but there is nothing in there that says what it will cost the county. Another proposal has counties taking over the responsibility of state highway maintenance except for freeways which would allow for each county region to coordinate the maintenance, snowplowing, and management of the multiple road systems allowing for a higher level of efficiency, less administrative cost and less bureaucracy. A third proposal eliminating county program would save the state general funds \$645 million. Commissioner Kriesel asked what would this cost the county.

Commissioner Peterson stated at the meeting last Friday that she was appalled by the arrogance of the AMC staff to present this and ask the AMC Board to vote on it without any input from local county boards. The Transportation Committee has never discussed taking over the management of the state highways. She mentioned there is an option for counties to impose a ½ cent sales tax that would be hard to opt out from because the additional responsibilities and services have to be paid for. She feels that the real discussion has to be mandate relief and the level of services that counties can provide with the resources available.

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Commissioner Hegberg reported that he attended the Housing and Redevelopment Authority meeting last Tuesday. They did not purchase the fourplex that was being considered due to title problems. They will probably discuss this issue again if the title problems can be corrected.

Commissioner Hegberg attended the Counties Transit Improvement Board meeting and reported on the lawsuits. He agrees with Commissioner Peterson about the lawsuits. It will raise the cost of the project and the only groups to make money on the deal are the attorneys hired to fight the issue. He believes that the debate on the lawsuits should take place at the policy meetings instead of at the courthouse. He feels that a decision has to be made and go forward to do some of these projects.

Commissioner Hegberg reported on the Minnesota Counties Intergovernmental Trust meeting. An issue came up where a mental health clinic in northern Minnesota is now suing the counties because of unfunded care. The counties will vigorously defend that position. The bottom line is that the mental health clinic cannot afford to give unfunded care, so who is going to pay for it. Spending cannot just be cut; a way has to be figured out to provide services to those who cannot help themselves.

Commissioner Hegberg thanked Mr. Hubbard for pursuing the lawsuit which settled the issue of who is in charge of the river, the local units of government or the Department of Natural Resources. This question has come up in judicial ditches, water drainage and other related issues. In his opinion it will be the local units of government and elected officials that will now make these decisions.

Commissioner Hegberg stated that he had two or three calls about the 800 MHz and the cost of radios. Some of the local units of government do not want to pay; they want the county to pay. He would like an update on that issue.

Commissioner Hegberg requested a workshop on the county's hiring process.

Commissioner Pulkrabek reported on the Metropolitan Area Agency on Aging. They were served a meal from Meals on Wheels and it was better than he thought it would be and a lot more food. They are looking at making changes to the Meals on Wheels program. One change would be to take into account the income of the caregiver, not just the person that is receiving the food.

Commissioner Pulkrabek does support the workshop on the county's hiring process. He would also like to incorporate into that workshop how new vendors are handled.

Commissioner Pulkrabek stated that he and Commissioner Kriesel toured a buy area in Oakdale for the Housing and Redevelopment on the foreclosures. He did look at the fourplex that Commissioner Hegberg mentioned.

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Commissioner Pulkrabek indicated he has received several e-mails from 4-H participants thanking the Board for giving them the \$30,000 for 2010.

Commissioner Pulkrabek noted that after the Board's comments last week about unallotment that ran in the Tribune, he was contacted by the Governor's Office. He provided the Governor's Office with Washington County's entire list of unfunded and underfunded mandates with dollar amounts. He plans to meet with representatives of the Governor's Office sometime this week to review those.

Commissioner Pulkrabek stated that if Washington County didn't get its insurance through AMC he would vote to get out of AMC.

Commissioner Hegberg stated that AMC has nothing to do with the insurance. They broke off a number of years ago for that reason.

Commissioner Peterson asked if they could get out of AMC and still have insurance. Commissioner Hegberg said, technically, yes.

Commissioner Pulkrabek asked staff to research what it would entail to drop out of AMC and the dollar amount.

Commissioner Weik commented that at the AMC Futures Committee a lot of ideas were discussed as far as costs; she made it very clear that she would not support any sales tax increase. She maintains that the local government aid could be brought down to zero if they were released from mandates. If local government officials were given the authority to drive their own budgets, set their own priorities, and cost share with other counties, they could get it done better and cheaper.

Commissioner Hegberg stated that AMC should be complimented a little bit, because the issue has to be brought up and discussed. There has been a failure over the years to debate this issue. He does not like the way AMC implemented it, but it does need to be discussed. It does make economical sense that counties would share in some of those things.

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 Peterson moved to adjourn, seconded by Commissioner Hegberg and it was adopted unanimously. The Board meeting adjourned at 11:10 a.m.

Bill Pulkrabek, Chair
County Board

Attest:

James R. Schug
County Administrator